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REPORT

ON THE

Administration of Criminal Justice

IN OUDH

During the year ending 31st December 1893.

Allahabad:

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1894.

Report on the Administration of Criminal Justice in Oudh during the year ending 31st December 1893.

No. 1591

FROM

J DEAS, ESQ., C S,

OFFICIATING JUDICIAL COMMISSIONER OF OUDH,

TO

THE SECRETARY TO GOVERNMENT,

N.-W PROVINCES AND OUDH,

JUDICIAL (CRIMINAL) DEPARTMENT

Dated Lucknow, the 29th August 1894

SIR,

I HAVE the honor to submit the report on the administration of Criminal Justice for the year 1893, with the prescribed returns, and to forward the reports of the Sessions Judges and Deputy Commissioners in original

2 The district reports were received from the Sessions Judges on the following dates —

Lucknow	26th March	1894
Sitapur	19th February	,,
Hardoi	9th March	,,
Fyzabad	16th February	,,
Gonda	17th ,,	,,
Rae Bareli	28th April	,,

The district statements were received on dates ranging from 23rd January to 8th June 1894, and the Sessions Judges' returns were received between 8th February and 16th April 1894

IMPERIAL RETURN No I. Number of tribunals

3. Inclusive of 16 benches of Honorary Magistrates, there were 209 criminal tribunals in Oudh on 31st December 1893, or 4 more than in the preceding year These tribunals were composed of the following classes of officers —

Europeans and Statutory Civilians,	Covenanted Officers ..	26
	Military Officers	11
	Uncovenanted Officers	10
Natives .. .		223

Personnel

The alterations in the personnel were as follow —

	1892	1893
Assistant Commissioners . .	17	15
Deputy Magistrates	58	64
Honorary ,, (Benches) .	72	77
Do ,, (sitting singly)	40	48

IMPERIAL RETURN No II Offences reported

4 The number of "offences reported" rose to 52,573 from 49,108 in the previous year, the increase being 3,465 offences, or a little over 7 per cent. With the exception of Kheri and Lucknow City,

where there was a decrease of 145 and 23 offences, respectively, all the districts show an increase, the increase being most marked in Rae Bareli, Gonda, Sultánpur, Partábgarh, Sitápur and Bahraich.

5. The number of offences reported in each district during the year 1892 and 1893 is shown below :—

	1892.	1893.		Difference.
Rae Bareli...	4,200	4,775	+	575
Gonda	4,085	4,612	+	527
Sultánpur	3,788	4,297	+	509
Partábgarh...	4,092	4,531	+	439
Sitapur	3,374	3,788	+	414
Bahraich	3,428	3,797	+	369
Bara Banki	3,784	4,062	+	278
Fyzabad	5,251	5,517	+	266
Unao	3,057	3,196	+	139
Lucknow	2,354	2,440	+	86
Hardoi	4,752	4,785	+	31
Kheri	2,877	2,732	−	145
Lucknow City	4,066	4,043	−	23

The most noticeable increase was under the following headings :—" Offences under the Code of Criminal Procedure and against special and local laws " (1,106) ; " Hurt " (1,003) ; " Theft " (459) ; " Mischief " (434) ; " Criminal trespass " (250) ; " Relating to marriage " (215) ; " Against public tranquillity (102) ; " Robbery and dakáiti " (93). On the other hand the following classes of offences show a decrease, *viz* :—" Receiving stolen property " (140), " Affecting life " (66), " Criminal force " (60), " Contempt of lawful authority " (48) and " Cheating " (47). The increase or decrease in the above-mentioned offences (excepting Contempt of lawful authority, Cheating and Offences under the Code of Criminal Procedure and against special and local laws), is shown in the following table according to districts : —

District.	Hurt.		Theft.		Mischief.		Criminal trespass.		Offences against marriage laws.		Offences against public tranquillity.		Robbery and dakáiti.		Receiving stolen property.		Attempted suicide, culpable homicide, causing death by rash or negligent act.		Criminal force.	
	+	−	+	−	+	−	+	−	+	−	+	−	+	−	+	−	+	−	+	−
Lucknow City ...	88	...	18	...	5	..	2	...	...	2	...	15	...	2	.	29	7	...	...	80
Lucknow ...	24	...	4	...	...	4	...	6	4	...	18	...	...	5	...	17	...	13	...	61
Bara Banki ...	135	...	...	80	73	...	4	...	40	..	62	...	3	...	...	1	..	...	...	15
Sitapur ...	15	...	114	...	16	...	3	...	98	...	...	8	29	...	...	17	6	...	...	106
Kheri ...	...	151	10	...	...	20	2	...	19	...	17	...	16	...	...	57	...	12	28	...
Hardoi ...	34	...	...	110	29	...	7	...	12	...	...	4	...	1	6	...	...	...	75	...
Unao ...	7	...	...	29	23	...	4	...	...	9	5	.	7	...	...	8	...	20	17	...
Fyzabad ...	233	...	55	...	5	...	...	21	...	43	2	...	8	...	...	2	...	11	29	...
Bahraich ...	...	10	61	...	42	...	48	...	...	8	8	...	18	...	9	...	...	7	42	...
Gonda ...	115	...	273	...	28	...	62	...	41	..	...	5	6	...	...	28	...	3	54	
Rae Bareli ...	188	...	31	...	79	...	74	...	4	4	25	..	8	...	10	...	...	6	...	23
Sultánpur ...	232	...	135	...	50	...	43	...	29	...	...	13	7	..	23	...	2	...	...	73
Partábgarh ...	93	...	...	23	108	...	28	...	38	...	2	...	...	1	...	84	...	7	64	...

Out of the 13 districts, in 11 there was an increase under " Hurt " ranging from 232 in Sultánpur to 7 in Unao ; in 9 there was an increase under " Theft," the greatest

increase being in Gonda (273): 11 show an increase under "Mischief," the greatest increase being in Partabgarh (108): only 4 show a material increase under "Criminal trespass," Rae Bareli heading the list with an increase of 74; in 3 there was a noticeable increase under "Offences against marriage laws," the greatest increase being in Sitapur (98); 4 show a marked increase under "Offences against public tranquillity," *viz.*, Lucknow (18), Bara Banki (62), Kheri (17) and Rae Bareli (25); and in 3 [the neighbouring districts of Sitapur (29), Kheri (16), and Bahraich (18)], there was a noticeable increase under "Robbery and dakáiti."

In cases of "Receiving stolen property" and "Criminal force" and "Offences affecting life," the greatest decrease was in Kheri (57), Sitapur (106) and Hardoi (75), respectively.

The decrease of 66 under "Offences affecting life" includes only two cases of "Murder."

The increase under "Robbery and dakáiti" is explained by the Deputy Commissioner of Bahraich, who notes that there was a gang of dakáits at work on the the Nepal frontier and another at the opposite side of the district.

6. The Deputy Commissioner of Rae Bareli writes:—"A multiplicity of charges "of simple hurt and mischief would also appear to indicate prosperity. In years of "scarcity many people cannot afford either the time or the money to go to Court about "trifling matters, and when they do so it is fairly certain they have some time and "money to spare. Settlement operations may possibly have something to do with the "increase in the number of cases of mischief, as tenants occupy themselves eagerly before "settlement, in planting trees on land they wish to have recorded in their own names, "and landlords little less zealously in pulling up tenants' trees." With regard to offences against public tranquillity he remarks: "There was, especially in the early part of "the year, an outbreak of agrarian disturbances, probably to a considerable extent "prompted by the near approach of settlement operations. In several cases the number of "persons implicated were considerable, and the difficulty of proving identification, where "many persons are involved, has led to a decrease in the proportion of persons convicted. "On the whole, however, the action taken in these cases was fairly satisfactory "from the point of view of an officer responsible for the public peace. In few of the 29 "cases brought to trial did the leading persons involved escape punishment."

7. The Deputy Commissioner of Gonda does not give any cause for the increase of hurt cases, and with regard to theft, writes:—"There was a somewhat deficient *kharif* crop which may account for some of the increase of offences against "property * * * I am afraid the police shewed needless activity in taking up a number "of petty thefts, notwithstanding all the orders to the contrary, chiefly thefts of agricultural produce. There were 1,031 of these in all." The annual return shews 650. "There was a splendid mango crop and a great number of cases of thefts of a few "mangoes were prosecuted."

8. The Deputy Commissioner of Sultánpur says:—"Save in the number of persons brought to trial, there is a considerable increase all round. Indeed, the returns "for 1893 indicate high water-mark for the past five years. The increase in reports is "distributed over the following offences chiefly:—Theft, Cattle-trespass, Hurt with and "without aggravating circumstances. Even with the assistance of Dr. Watts up to "date, I find it very difficult to assign any satisfactory reason for the difference. The "continuance of prosperous seasons forms the only possible reason which I dare suggest. "It may, however, be noted that the return of persons actually brought to trial shows "that there has not in reality been more crime during 1893, than in the year before, "despite the much larger number of reports. It is always an invidious task to prefer "reasons. This district is an agricultural one. Sultánpur is the only town in it with "over 5,000 inhabitants. Petty litigation is rife in parts and the increase during 1893 "refers almost altogether to trivial alleged complaints. It is so cheap and so soothing

" to injured feelings to put in a petition. Settlement too is in progress, and the air " is full of applications of all sorts, and small wonder if the contagion spreads."

9. The Deputy Commissioner of Partábgarh was in charge of the district for the last six working weeks of the year. He says:—" The *rabi* was good, the *kharif* " almost a failure, except as to the late rice. There was therefore a slight rise in offences " against property." And again :—" Owing to a recent change in the management of " pounds far more cattle have been impounded in the last year, and no doubt cattle have " been rescued in corresponding proportion * * * The results are generally what " might be expected in a year that was on the whole a good one, in a peaceable district, " such as this is, with inhabitants scattered over small villages and dependent almost " entirely on agriculture, and with not a single large town in the whole area."

10. The Deputy Commissioner of Sitapur, in referring to the increase in the number of cases reported says :—" It is by no means an easy matter to explain this abnormal " increase. Perhaps abnormal increase is too strong a phrase. * * * On questioning " the District Superintendent of Police as to the cause, he attributes the increase to " greater activity on the part of his police. This is possibly the real cause. There is " no question as to the apathy of the police in the past; reductions, dismissals and trans- " fers have been resorted to and it would appear with some effect judging by the present " returns. As regards offences against the marriage laws, I have always found this class " of offence to increase in a prosperous year, and with food grains almost a glut in the " market and cheap prices prevailing the means for taking away silly weak women were " considerably enhanced.

11. The Deputy Commissioner of Bahraich writes :—" The increase is under Offenc- " es against property, and against special and local laws. As to the former, though " there was more violent crime, the increase generally is in Criminal trespass and under " the latter breaches of Municipal bye-laws and Cattle-trespass Act. An outbreak of " dakaiti was not apparently confined to this district, and is difficult to account for the " sudden prevalence of this violent and serious crime. A gang of dakáits was at work " on the Nepal frontier and another at the opposite corner of the district. * * * The " harvests were fair and there should not have been an increase under minor offences " against property. I think, however, that a large increase of crime against property " due to hunger, such as occurred in 1891, leaves a mark that takes years to efface."

12. The Deputy Commissioner of Bara Banki remarks :—" It can hardly be said " of any class of offence that the fluctuation in it during 1893 was ' very marked.' In " those classes in which the increase or decrease is over 20 per cent. the actual numbers " are small, and the fluctuation is attributable to no special reasons. In cases against " the public tranquillity and security for keeping the peace, many complaints and applica- " tions were recklessly made. Hurt cases continue in an ascending scale and call more " and more for the pruning knife of sections 202 and 203."

13. The Deputy Commissioner of Fyzabad writes:—" The bulk of the increase " of reports is due to increase in cases concerning the human body; the year was one in " which the crops were good, persons had money with which to pay for the expense of " bringing an antagonist to Court." The increase referred to is 235 cases of which 233 come under the heading " Hurt."

14. The number of offences struck off by order of the Magistrate, and of complaints dismissed under section 203 of the Code of Criminal Procedure, rose with the increase in the number of offences reported : but the percentage remained much the same as in the previous year (28 per cent). This percentage compares very favourably with that of the North-Western Provinces in 1892, (21 per cent.)

Offences struck off and complaints dismissed under Section 203, Criminal Procedure Code.

Year.	Struck off.	Dismissed.	Total
1892	... 2,356	11,421	13,777
1893	... 2,597	11,804	14,401
Increase	... 241	383	624

15. The following are the principal offences, complaints in which were struck off or dismissed :—

	Reported.	Struck off or dismissed.	Percentages.	
			1893.	1892.
Extortion	213	140	69	77
Kidnapping or forcible abduction, &c. ...	181	111	61	62
Wrongful restraint or confinement ...	317	184	58	57
Cheating	318	186	58	65
Criminal intimidation, insult, &c. ...	380	222	58	56
Defamation	446	253	56	60
Robbery and dakáiti	388	168	49	52
Mischief	2,265	974	43	45
Criminal breach of trust	364	156	42	40
Offences relating to marriage ...	1,725	711	41	40
Offences against the public tranquillity ...	657	261	39	32
Criminal force and assault	3,328	1,148	34	41
Criminal trespass	4,855	1,518	31	30
Hurt	13,986	4,251	30	34
Theft	6,882	1,748	25	24
Contempt of lawful authority ...	660	80	13	16
False evidence, &c.	491	60	12	15
Offences against special and local laws ...	10,380	764	7	7

Compared with the previous year, the year under report shows an increase in the percentage of complaints struck off or dismissed, mainly under Offences against the public tranquillity, and a decrease mainly under Extortion, Cheating, Criminal intimidation and Criminal force or assault.

Cases struck off.

16. The percentage of cases struck off to offences reported is 4·9 as against 4·8 in 1892.

Complaints dismissed.

17. The district percentages of complaints dismissed are shown in the following table :—

	1893.	1892.
Kheri	30	36
Bara Banki	29	26
Sultánpur	27	28
Unao	25	27
Gonda	25	27
Sitapur	23	26
Fyzabad	23	22
Lucknow	22	20
Rae Bareli	20	20
Partábgarh	17	23
Hardoi	16	19
Bahraich	16	14
Lucknow City	18	14
Provincial percentage	22	23

The Provincial percentage of 22 is higher than that of the North Western Provinces for 1892, 19 per cent.

18. The Deputy Commissioner of Bara Banki writes :—"1,213 cases were dismissed "under section 203 against 1,013 of the former year; and in the year before that again "the number was 977, which shows that Subordinate Magistrates are more and more "resorting to the discretionary powers conferred under this section. The greatest "number of summary dismissals fell under the heads of Hurt, Criminal trespass, Theft, "Security for keeping the peace, Offences against the public tranquillity, Criminal "force or assault and Offences relating to marriage. These are the usual classes of "cases under which false and groundless complaints are brought."

19. After giving a list of offences of which groundless reports and complaints were struck off or dismissed, the Deputy Commissioner of Sitapur remarks :—"To "account for this miscellaneous assortment the ingenuity of the petition writer is "largely responsible. A complainant who is acquainted with the ways of Magistrates

"and has acquired a smattering of the Criminal Procedure Code knows that an ordin-
"ary petition will not have the desired effect. The effect desired varies according to the
"rancour with which the complainant is impregnated. From a petition containing
"the actual facts, the chances are either the case is consigned to the records, or a
"summons will issue at the cost of complainant. This latter is not always regarded
"with favour. But to get the Police to worry an enemy is considered a most desirable
"result, and it is with this object the cognizable offences are piled on. A verbal alter-
"cation in the bazar, when abuse has been poured out like a river, will, if the com-
"plainant's friends happen to be with him, be magnified into robbery, etc. There have
"been three cases of murder which were investigated on complaint, and in each death
"was found to be due to natural causes. In one instance it was found, a boy whilst
"ploughing was killed by one of the plough bullocks."

20. The Deputy Commissioner of Fyzabad states:—"That more attention has been
"paid by Magistrates to the necessity of scrutinizing carefully the complainant's case
"before the issue of process. The number of cases dismissed under section 203 has in-
"creased from 1,169 in 1892 to 1,296 in 1893. In the desire to avoid annoyance to
"the innocent defendant, care however is required that the complainant with a just
"criminal complaint is not improperly harassed by having his criminal complaint dis-
"missed under section 203. The percentage of cases at present dismissed under sec-
"tion 203 is high as compared with the total number of cases. No argument from
"the large number of acquittals and discharges can be properly raised, for among this
"large number is included many cases in which the complainant had a proper cause for
"a criminal complaint, and acted rightly in having it, or allowing it to be struck off
"as the case was one of a compoundable nature, and the complainant had settled his
"quarrel with the defendant." Upon which the Sessions Judge remarks:—"The increase
"though satisfactory in itself is not so gratifying as it might be. The dismissals under
"section 203 show slightly worse by themselves, *i.e.*, after deduction of the cases
"struck off. I am certain that the true explanation is to be found in the circumstance,
"that year by year the judicial work is in greater proportion performed by Native Assist-
"ants or by European Covenanted Assistants of comparatively short standing."

21. The Deputy Commissioner of Sultánpur writes:—"The use and abuse of
"section 203, Criminal Procedure Code, was largerly commented on in last year's
"reports. For my own part I think the danger lies in the opposite direction to that
"pointed out by the Sessions Judge of Fyzabad. Subordinate Courts are rather too
"ready to put this section into practice. At any rate in this district, I have found
"that the discretion afforded by the section is fully employed. Taking Tahsildárs'
"Courts for instance, I find that in only 7 cases have punishments awarded in sum-
"mons cases been reversed in appeal during the year, and it would hardly be fair to
"presume that in all of these, even, section 203 might have been used. On the other
"hand the not infrequent applications for revision of orders passed under this
"section tend to show that it is possible to be too zealous in working it.

"The figures tell the usual tale. Charges of hurt and assault, petty theft, mis-
"chief, criminal trespass and applications to have people bound over to keep the peace,
"are the main items in swelling the total.

"The fact is that the mass of these are not really criminal cases at all. The un-
"derlying cause of complaint is often something quite different. But the complain-
"ant knows full well that the Civil Courts are beyond his reach and he gives vent to
"his grievance in a criminal petition. It costs only ten annas or so altogether, and if he
"can succeed in having his enemy brought into Court, at the cost of a few annas more,
"the chances are they will come to terms amicably before the case is tried. In this
"connection, I would take the liberty of calling attention to an able and interesting
"memorandum on this subject prepared by Mr. Whalley when Magistrate of Azamgarh
"in 1887, in reference to the returns for that district. I look upon a too-ready use
"of section 203 as likely to injure one of the chief agencies for the settlement of
"petty disputes, and to cause thereby no small discontent among people who cannot
"afford to take them into proper Courts."

22. The Deputy Commissioner of Partábgarh notes that, " 5,942 persons were " brought to trial in the year, of whom 3,177 were discharged or acquitted ; yet in " only 126 cases was compensation given and only 907 cases were summarily rejected " under section 203, Criminal Procedure Code. The attention of all courts has been " repeatedly called to the necessity of exercising greater care in granting summonses, " but the third class Magistrates specially appear to be afraid of exercising their " powers in this respect. * * * * *

" The addition of an allegation of an assault, however trivial, is quite enough in most " cases to induce a third class Magistrate to grant a summons, even though the rest " of a complaint is obviously only ground for a civil action ; and I fear litigants will " always try their luck in the Criminal Courts first until the decision of petty civil " disputes is made as speedy as those of criminal charges."

23. A much larger number of persons (*viz.*, 820), were compensated in Magistrates' Courts under section 560, Criminal Procedure Code, during 1893 than in 1892 when the number was 568, and the amount thus disbursed rose from Rs. 14,118 in 1892 to Rs. 14,387 in 1893. Three districts show a marked increase in the number of persons compensated during the year under report, *viz.*, Hardoi 231, Bara Banki 95 and Partábgarh 45 persons.

24. The Deputy Commissioner of Bara Banki writes :—" There are 64 cases com- " pensating 121 persons this year against 23 cases and 26 persons in last year. This " is an appreciable improvement.

" In consonance with paragraph 6 of Judicial Commissioner's Book Circular No. " I of 1884, I have now prescribed the following weekly return (not printed) to be " submitted to me by all Magistrates showing the use they make of sections 202, 203 " and 560, Criminal Procedure Code."

25. The Deputy Commissioner of Hardoi writes :—" There has been a satisfac- " tory improvement in the dealing with cases under section 560, Criminal Procedure " Code, the number of cases under this section being nearly three times as great as " that of last year, *viz.*, 126 as against 44. But I note that this increase is mainly " due to the indefatigable Pandit Bishen Narain, who is responsible for 94 of these " cases and for 219 of the 275 persons dealt with. This may be explained by the " enormous number of petty cases dealt with by this officer, *viz.*, 1,079. Half of these " cases need never, in my opinion, * have been tried at all, and I have been forced " to withdraw his powers to entertain cases on complaint, not as a punishment but " simply to make him expend his energies on more useful duties."

Upon which the Sessions Judge remarks :—" This * might not have appeared to " be so until the evidence had been recorded. This opinion, however, is satisfactory " as indicating that the compensation was judiciously awarded and such award " would have a better effect than a dismissal under section 203, Criminal Procedure " Code."

26. The Deputy Commissioner of Unao remarks :—" Compensation for vexatious " and frivolous complaints was paid to 26 persons against 35 in the previous year " * * * * People have commenced to think that false and vexatious complaints " will be severely dealt with."

The Sessions Judge remarks :—"This belief is hardly justified by the result of the " year. * * * A more extended and judicious application of the compensation " provisions would go much further towards preventing false and frivolous complaints " than more numerous dismissals under section 203, Criminal Procedure Code."

27. Referring to section 560, Criminal Procedure Code, the Deputy Commissioner of Gonda writes :—" Last year there were 34 cases, and 93 persons were compensat- " ed as against 14 cases, 21 persons in 1893. The number of persons discharged " and acquitted has been this year 2,467 against 2,338 in the past year. It is obvious " that this section has not been properly worked. On examining the half-year's re- " turns, I called the attention of all magistrates to this point in August last, and I

" regret to record that cases have come before me in which the Magistrates have ad-
" mitted that they forgot to take action under section 560, Criminal Procedure Code.
" Of course it is often a delicate and difficult matter to decide when this section should
" be applied. The figures, however, given above show that Magistrates have been over-
" cautious and have failed to apply one of the remedies allowed by law for checking the
" institution of needless and frivolous criminal complaints."

28. The Deputy Commissioner of Fyzabad says :—" The number of cases in
" which compensation has been given was 89 in 1892 and 77 in 1893. The Magis-
" trates have been directed to use their powers under section 203 and also those under
" section 560, and their action in these respects is carefully watched by me.
" * * * As action under section 203 becomes more frequent, so will the possibility of
" action under section 560 become less frequent. In the desire to avoid annoyance to
" the innocent defendant, care is however required that the complainant with a just
" criminal complaint is not improperly harassed by having his criminal complaint
" dismissed under section 203.

The Sessions Judge notes:—" There is a small falling off in cases where compensa-
" tion has been awarded under section 560, Criminal Procedure Code, from 89 to 77.
" I do not regard this as unsatisfactory. As I pointed out last year, there are not very
" many cases which can be properly treated under section 560, as this section does not
" apply to false or groundless complaints.

" In the cases which have come before me in revision, I have as a rule been doubt-
" ful whether the compensation has been deservedly awarded. I do not think it desir-
" able to press the application of this section. Discreet dismissal of complaints at the
" outset is a much safer and more satisfactory way of dealing with vexatious and fri-
" volous complaints."

29. The Deputy Commissioner of Bahraich says :—" Whilst I am in favour of a
" very sparing application of section 560, Criminal Procedure Code, there is no doubt
" that freer resort to it would be beneficial. But I do not think the power should be
" exercised by any and every Magistrate. Its proper use requires considerable judg-
" ment, its abuse is very easy indeed. I prefer a more frequent application of section
" 203, Criminal Procedure Code. The very few cases in which compensation is award-
" ed, proves that Magistrates fear they may do more harm than good under section 560,
" Criminal Procedure Code."

30. The Deputy Commissioner of Sultánpur remarks :—" I think sufficient use has
" been made of this valuable section. There is a considerable falling off since last year,
" despite special attention having been called to the matter, but the decrease is not, in
" my opinion serious. I have noticed a tendency among tahsildárs, however, to take
" action under section 560, merely because the complainant failed to prove his charge.
" Its provisions need to be administered with scrupulous care, or the remedy will do
" more harm than the disease.

31. With regard to persons ordered to pay compensation, the Deputy Commis-
sioner of Partábgarh notes :—" The number seems small when compared with the
" large number of persons acquitted and discharged, but it is a little over 5 per cent.,
" and after all it is not advisable to deter complainants by fining them simply because
" they cannot prove their case."

Cases brought to trial.

32. The number of cases brought to trial during 1893 was 38,201 being 2,834 more than were tried in 1892. The district figures for each year are given below :—

	1892.	1893.	Difference.
Partábgarh	2,983	3,525	+ 542
Rae Bareli	2,855	3,209	+ 354
Sitapur	2,439	2,779	+ 340
Gonda	2,879	3,215	+ 336
Hardoi	3,443	3,778	+ 335
Sultánpur	2,568	2,850	+ 207

	1892.	1893.	Difference.
Unao	2,081	2,335	+ 254
Fyzabad	3,934	4,098	+ 164
Bahraich	2,493	2,583	+ 90
Kheri	1,781	1,848	+ 67
Lucknow City	3,176	3,199	+ 23
Lucknow	1,696	1,647	— 49
Bara Banki	2,092	2,079	— 13

The increase was general to all the districts, excepting Lucknow and Bara Banki, and is due to the larger number of offences reported. The classes of offences under which the increase occurred are detailed in paragraph 5 of this report.

Persons brought to trial.

33. Consequent on the increase in the number of cases the number of persons brought to trial rose to 72,571 from 67,002 in 1892, an increase of 5,571 persons. The following table shows the disposal of persons under trial in each year :—

	1892.		1893.	
	Number.	*Percentage.*	*Number.*	*Percentage.*
Acquitted or discharged ...	37,111	55·38	41,517	57·20.
Convicted	29,588	44·16	30,731	42·34.
Died, escaped, &c. ...	303	·45	323	·44.

The percentage of convictions is nearly 2 per cent. lower than in 1892. The fall in the percentage of convictions is probably mainly due to the increase in the number of petty offences, such as Hurt, Mischief, Cattle trespass, Criminal trespass, Criminal force and Assault and to the increased proportion of cases tried by local and subordinate paid Magistrates with second and third class powers.

General results.

34. The general results for the years 1892 and 1893 are as follows :—

	1892.	1893.
Cases reported	49,108	52,573
„ struck off and dismissed	13,777	14,401
„ returned as true	35,331	38,172
Percentage returned as true	71·95	72·60
Persons under trial	67,002	72,571
„ convicted	29,588	30,731
Percentage of convictions	44·16	42·34

35. With regard to the low percentage of convictions in his district, the Deputy Commissioner of Hardoi writes :—" The percentage of convictions in the Courts of the " European Assistants and the Tahsíldárs is very unsatisfactory. Of the 4,032 persons " disposed of by the Tahsíldárs, only 1,069 were convicted, 2,963 being either discharg- " ed or acquitted. The European Assistants let off no less than 550 persons out of 840 " disposed of.

" * * * * No percentage has been struck regarding my work in ordinary cases, as " the 75 persons convicted by me include the 47 persons referred to me under section 349, " Criminal Procedure Code, which number under the standing orders has been already " included in the figures of the referring officers as 'disposed of' and cannot there- " fore be added to the 29 persons 'disposed of by me.'"

Upon which the Sessions Judge remarks :—" The 47 persons should not in my " opinion be shewn against Deputy Commissioner in this table. They should appear " among the convictions of the referring officer who in fact convicts and refers only " for enhanced punishment."

The instructions printed on the first page of form of Judicial Statement No. IV are explicit, and they embody the foot note in the pattern form prescribed by the Government of India, Home Department, Judicial Proceedings No. $\frac{18}{107\text{A}—85}$, dated 9th August 1884, and G. O. No. $\frac{1074}{\text{VII}—2823}$, dated 9th October 1894. The foot note runs " As regards persons whose cases were referred for higher punishment or for confirma- " tion of sentence, the punishment, if any, sanctioned by the higher Court, should be " entered against such higher Court and not against the Court making the reference."

36 The Deputy Commissioner of Gonda has attached to his report an elaborate statement marked B B and says —"The Statement B B, annexed shows that the percentages of convictions in cases sent up by the police were good The percentages are also good in the Courts of Magistrates of the first class in cases taken up by Magistrates on complaint, or otherwise, if all cases are deducted (see column 12 of Statement B B) in which complainants absented themselves, or in which complaints were withdrawn or compounded It is only proper that these cases should be deducted from the test statistics *** As third class Magistrates have not powers under section 202 Criminal Procedure Code, their percentages are not so good A few mistakes may have been made, due to press of work, but, speaking generally, I do not consider innocent persons were needlessly dragged into Court, or were harassed by the filing of false complaints as these were generally properly thrown out by the Magistrates"

37 The Deputy Commissioner of Rae Bareli remarks —"It has already been pointed out that the chief feature of the general history of the year is a large rise in the number of cases heard on complaint, whilst arrests by the police have remained stationary This has inevitably resulted in a considerable fall in the proportion of convictions The proportion is lower for all classes of courts except the Rae Bareli Bench of Magistrates, with whom it depends entirely on the proportion of Municipal cases tried The proportion has fallen to a very marked extent for European Magistrates, owing to the fact that in 1892 European Assistants had full powers and tried the usual proportion of police cases, whilst in 1893 the Junior Assistant had, till near the end of the year, only third class powers and tried only complaint cases"

38 The Deputy Commissioner of Sultánpur writes —"Tahsildárs' work has been almost stationary Last year they convicted 23 87 per cent of the persons whom they tried **** Their returns are always bound to be bad, and viewed from the stand-point of figures, they will probably always earn the sweeping condemnation passed on them in the last Government review But I venture to urge that it is altogether misleading to judge them by the standard supplied by courts of full-powered Magistrates When tahsildars do not take petitions themselves, they have almost every petty case bequeathed to them by the sub divisional officer, who is sometimes too busy, and often too important to try petty charges of Assault, Mischief, Criminal trespass, &c himself The fact that the case is sent to the Tahsildar's Court is almost tantamount to directing a summons to issue, and this action alone more often than not satisfies the complainant and obtains for him all he really wanted The consequence is a compromise (*razinama*) or failure to appear on the day fixed, which signifies the same thing Tahsildárs do a great deal of solid, valuable, though petty, criminal work and heaps of the cases they have to take up are not really criminal, but still call for cognizance of some sort The harassment of innocent persons in their Courts is, I venture to think, really very slight looked at from a practical point of view"

39 The Deputy Commissioner of Sultánpur, in commenting on the way in which persons were brought to trial writes —"The police have been more energetic, and greater discretion has been shown in the issue of summonses At the same time the number of persons sent for is no doubt large, despite the preliminary scotching of over one-fourth of the total offences reported, by a judicious use of section 203, Criminal Procedure Code. It may be conceded that the machinery of the Courts seems to be used chiefly with a view to securing the hearing and decision of petty disputes, rather than for the punishment of crime, but it is open to discussion whether this really warrants a conclusion discreditable to the method of administration of justice in Oudh It is impossible to prevent people putting in petitions if they are disposed to do so Even the most experienced magistrate would hesitate to trust his own judgment as to the genuineness of many a seemingly doubtful charge. A summons is bound to issue if there is a fair *prima facie* ground for believing the contents of the application Even when the additional precaution has been taken of hearing the complainant's witnesses before issue of process, there is nothing to

"prevent the parties coming to terms when the case is brought on for hearing or the "complainant failing to appear at all It would be a far greater injustice to refuse "the summons as a rule than to grant it, for an injury is then done, for which there "is no compensation save in an application for revision, whereas, if the complaint is "eventually proved to be vexatious or frivolous (terms capable of elastic interpretation) "the person harassed can easily be recompensed by the Court before which he has "been needlessly hauled The settlement of petty disputes is just as much an integral "part of our administration of justice as the punishment and repression of crime

40 The following table shews the business before the Criminal Courts during the years 1892 and 1893 —

	Offences re reported	Struck off or dismissed	Returned as true (Column 1 minus Column 2)	Brought to trial	Disposed of	Pending at close of the year
	1	2	3	4	5	6
1892	49 108	13 777	35 331	36,052	35 718	534
1893	52 573	14 401	38 172	38 854	38 436	418

The figures in column 1 comprise offences of which cognizance was taken on complaint, as well as offences reported to the police The working of sections 202, 203 and 560 of the Code of Criminal Procedure, is confined to the former class of offences The number struck off or dismissed, 14,401, is large, being almost 28 per cent of the whole number reported, and is in excess of the percentage (21) obtained in the North-Western Provinces in 1892, and most of them (22 per cent) were dismissed under section 203, the remainder being offences reported to the police A large number, however, 38,172 were returned as true, action being taken in them against 73,973 persons (including remanets), out of whom only 30,731 were convicted, and 41,517 were acquitted or discharged The percentage of convictions was undoubtedly low (42 34 per cent)

41 In G O. No $\frac{2949}{VI-2070}$, dated 25th October 1893, Government remarked that the percentage by convictions obtained last year (44 per cent) was unsatisfactory With reference to this Government Order, Dr. Howell, my predecessor, left a note before going on furlough, and I here think it proper to quote his remarks — "The gravamen of the strictures passed by Government upon the action of the "magistracy lies in this large number of discharges and acquittals These figures, "however, include discharges under sections 209, 253, 259, 494A, and acquittals under "sections 240, 245, 247, 248, 258, 309, 345 and 494B Now the only discharges and "acquittals for want of evidence are discharges under sections 209, 253, and acquittals "under sections 245, 258, 209 "

"Discharges under sections 259, 494A, and acquittals under sections 240, 247, 248, "345, 494B, do not necessarily imply that the offence reported would not have been "proved, if the case had been tried out, still less that it was not committed

"It is possible and even probable, however, that to some extent Magistrates have "failed to detect the weakness of complaints made to them Many causes have combined "to produce this result —(1) Book Circular No XIX of 1890 (quoted in the foot note)*

* It has come to my knowledge that in a certain Tahsildár Magistrate's Court the following procedure obtains —

On a complaint being made the complainant is directed to bring his witnesses on a certain date He accordingly appears but without his witnesses and applies for the issue of summonses to them The witnesses are then summoned and if, on their appearance *prima facie* proof of the charge is obtained, the accused is then summoned On the accused appearing, the case is tried

2 It does not follow that in summons cases when the complainant stated that he would bring his witnesses and failed to do so the Court should necessarily summon them The law leaves it to the discretion of the Magistrate to issue a process or not The procedure in summons cases is clearly laid down in Chapters XVI XVII and XX Criminal Procedure Code The complainant shall be examined on oath and the complaint may then be dismissed under section 203 (the Tahsildár having 3rd class powers only cannot act under section 202) or the accused summoned under section 204 On the date fixed for hearing the complainant should produce his witnesses either with or without the assistance of the Court

3 It is waste of time and is not justified by the law to issue process for the attendance of complainant's witnesses before summoning the accused (Book Circular No XIX of 1890)

"which practically prohibits the making of an inquiry under section 202, Criminal "Procedure Code, before issue of process. This Circular has been designedly omitted "from the draft Digest of Civil Orders.

(2) "Empowering 3rd class Magistrates to take cognizance of offences on com- "plaint, such Magistrates having no power to hold or direct an inquiry under section "202, Criminal Procedure Code. Opinions differ among District Magistrates as "to whether 3rd class Magistrates should be so empowered. Mr. Hamblin at "Fyzabad is in favour of it, while Colonel Quin at Hardoi is against it. So much "depends on the ability and character of the 3rd class Magistrates concerned, that "it is difficult for any but the District Magistrate himself to decide the question.

(3) "Inexperience of Junior Magistrates.—While on tour of inspection, I saw a "young Magistrate, a newly-joined covenanted civilian at Hardoi, conscientiously list- "ening to a complaint. It was clearly a matter for the Civil Court, involving a "dispute between two rival relatives of a transported convict for the possession of his "land. But the Magistrate, from inexperience, was unable to perceive this and ended "by issuing process on a charge of theft. This case will probably go to swell the "acquittals for 1894. There is no cure for this but teaching and experience. There "are no doubt many more junior Magistrates labouring under similar difficulties "Their mistakes swell the acquittals and discharges.

(4) "Omission to act with sufficient boldness under section 560, Criminal Pro- "cedure Code.—In 1892, out of 37,111 persons discharged or acquitted, 568 received "compensation and 36,543 were sent empty away. Colonel Cowie looks to a free use "of this section to repress frivolous or vexatious complaints. One of the Native 1st "class Magistrates at Hardoi was found to be labouring under the mistaken notion that "compensation could not be awarded in cases instituted upon information given to the "police. He had probably never looked at section 560, nor compared its wording with "sections 154 and 155. He is most likely not alone in this error. Book Circular No. "I of 1894 issued on 8th January 1894, (quoted in the footnote)* will it is hoped have "the effect of stimulating action under sections 202, 203 and 560, Criminal Procedure "Code."

42. From the returns of discharges and acquittals supplied by Magistrates, it appears that the number of discharges and acquittals for want of proof was only 8,368 and 7,732, respectively, while the number of discharges in consequence of absence of complainant (4,107), and the number of acquittals for non-appearance of complainant (5,073), for withdrawal of complaint in summons cases (3,344), for offences being compounded (12,869), for withdrawal of charges on conviction on one of several charges (21) and for withdrawal from prosecution by public prosecutor (3) amounted to 25,417 or 60 per cent. of the total number of acquittals and discharges.

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* The criminal returns for the year 1892 show a considerable decrease in convictions of offences falling under the following heads:—

(1) Contempt of the lawful authority of public servants. (2) Offences affecting the public health. (3) Hurt. (4) Kidnapping. (5) Theft. (6) Extortion. (7) Mischief. (8) Criminal trespass. (9) Defamation.

2. The Courts seem not to have been sufficiently strict in throwing out groundless or trivial complaints.

3. Every Magistrate competent to take cognizance of an offence on complaint is empowered by section 203, Criminal Procedure Code, to dismiss the complaint, if, after examination of the complainant, he finds no sufficient grounds for proceeding. And, before issuing process to compel the attendance of the accused, a Magistrate of the first or second class is empowered by section 202, to hold an inquiry, or direct a local investigation to be made into a complaint, the truth of which he sees reason to distrust.

4 All Magistrates are empowered by section 560, Criminal Procedure Code, to punish frivolous or vexatious complaints or informations by compelling the complainant or informer to pay compensation to such of the accused persons as are discharged or acquitted.

5. The necessity for making use of the powers conferred by sections 202 and 203 and by section 250, now replaced by section 560, was strongly impressed upon all Magisterial officers in Book Circular XX of 1884, to which the particular attention of Magistrates is again invited.

6. Magistrates of districts should endeavour, by exercising a systematic supervision over the procedure of Subordinate Magistrates, to prevent hasty and inconsiderate issue of process on complaint, and to enforce payment of compensation for frivolous or vexatious complaints or informations. By requiring periodical returns of the results of criminal trials in the Subordinate Courts, District Magistrates will be able to keep themselves regularly informed of the working of those Courts, and to interpose promptly and effectively whenever they observe any tendency to laxity of procedure. (Book Circular No. I of 1894.)

43. It is difficult to account for the low percentage of convictions compared with that obtained in the North-Western Provinces (50 per cent. last year). It cannot be attributed to the injudicious entertainment of false and groundless complaints, for the percentage of dismissals under section 203, Criminal Procedure Code, was lower last year in the North-Western Provinces than in Oudh. It is observable that the proportion of the minor offences of Hurt, Wrongful restraint, Assault, Mischief, Criminal trespass and Criminal intimidation is much greater in Oudh than in the North-Western Provinces. This fact may, and probably does account for the lower percentage of convictions in Oudh, for in such offences the percentage of convictions is ordinarily low.

Certain special details.

44. Under Offences under the Criminal Procedure Code and Offences against special and local laws, there were 12,710 offences reported in 1893 as against 11,604 in 1892. The greater portion of the increase was under Offences against special and local laws, *viz.*, 736. The percentage of convictions in these case was nearly 63 (persons).

Cattle Trespass Act I of 1871

45. The number of offences reported rose from 2,141 in 1892 to 2,713 in 1893. Eleven districts show an increase, the largest being in Sultánpur 133, Sitapur 89, Lucknow 80, Bahraich 70, Partábgarh 65, Fyzabad 64 and Rae Bareli 60. The percentage of convictions in 1892 was 16·9 as against 15·7 in 1893. In Bahraich 41 persons were convicted out of 650 tried, and the Deputy Commissioner remarks :—"I will add that in cattle trespass cases complaints "have no doubt been rightly admitted, but there has been great want of judgment in the "investigation. I do not believe that anything like the number of persons acquitted "were falsely charged."

46. The Deputy Commissioner of Fyzabad writes regarding the want of success in cases of offences against the human body, in cattle trespass cases and in vaccination cases :—"This decrease in the former two classes is explained by the large number "of persons, 1,159, respecting whose cases compromises were filed. Complainants "rushed to Court, filed their complaints and then allowed their anger to cool down and "accepted compromises."

Municipal Bye-laws.

47. There were 3,342 offences reported against Municipal bye-laws in 1893 as against 2,903 in 1892, the greatest increase being in Gonda (128) and Bahraich (99). Out of 4,560 persons tried 3,968 or 87 per cent. were convicted, being 2 per cent. more than in 1892.

Nuisances. Act V of 1861.

48. There was an increase of 102 in the number of offences reported, but the number of persons brought to trial was only eight more than in the preceding year. Out of 4,155 persons brought to trial, 3,903, or 94 per cent., were convicted, against 95 per cent. in the previous year.

Vaccination Act XIII of 1880.

49. Offences under the Vaccination Act rose from 79 cases in 1892 to 178 in 1893, and in the Fyzabad district from 78 to 160 cases. In 1892 the 76 persons tried were acquitted, whilst in 1893, only 5 persons were convicted out of 204 tried. In Fyzabad 158 persons were tried and were all acquitted. The Deputy Commissioner remarks :—"No conviction occurred "in a vaccination case. The case was filed in order to procure vaccination, and when "this was effected it was not considered necessary to convict."

Hurt.

50. The number of offences under "Hurt with aggravating circumstances" rose from 687 in 1892 to 726 in 1893, when the percentage of convictions obtained was 67 as against 63 in 1892. Similarly "other cases of hurt" rose from 12,296 to 13,260, the percentage of acquittals and discharges, owing chiefly to complainants failing to prosecute was 85 in 1893 as against 86 in 1892 To this high percentage of acquittals and discharges may be partly attributed the low provincial percentage of convictions for all offences.

Theft.

51. The satisfactory decrease in minor offences against property observable in 1892, did not continue during the year under report, the number of cases rising from 4,811 to 5,734. The percentage of convictions also compares unfavourably with that of the previous year (71 against 74).

Mischief.

52. Here also the number of cases increased, 1,291 against 1,000 in the previous year. The percentage of convictions though low, was however better than in the previous year (18 per cent. against 13 per cent.).

Criminal trespass.

53. There was a small increase in the number of this class of cases (3,337 against 3,218). The percentage of convictions rose from 46 per cent. to 48 per cent.

Offences relating to marriage.

54. The number of cases rose from 878 to 1,014. Out of 1,309 persons tried 1,111 were acquitted or discharged. The percentage of convictions was as usual low, 14 per cent., the same as last year. The following were the only districts in which the percentages of convictions exceeded the provincial average, *viz.*, Bara Banki 22; Lucknow 17; Sultánpur and Partábgarh each 16, and Rae Bareli 15.

Offences against the public tranquillity.

55. Unlawful assemblies, riots and affrays amounted to 396, or 19 more than in the previous year. The number of persons brought to trial was 2,530, of whom 53 per cent. were convicted against 57 per cent. in the previous year. The fall in the percentage of convictions is due to the low percentage obtained in affray cases, 59 per cent. against 77 in the previous year, the percentage in Kheri (55), Lucknow City (50), Gonda (36) and Hardoi (20), being especially low. The highest number of convictions under Offences against the public tranquillity was obtained in the districts of Fyzabad (184), Hardoi (155), Sultánpur (132), Bara Banki (131), Unao (122), Sitapur (123) and Lucknow (105).

Rioting.

56. The number of persons brought to trial for Rioting was 2,051 against 1,687 in the previous year, the percentage of convictions being 54 per cent. as against 58 per cent.

Robbery and dakáiti.

57. These offences increased from 118 to 170; and prosecutions were less successful than in the previous year, the percentage of convictions falling from 54 per cent. to 44 per cent. Prosecutions were altogether unsuccessful in the District Courts of Lucknow (28), Bara Banki (10), Fyzabad (9), Bahraich (19), Gonda (7) and Rae Bareli (3), and in the Sessions Courts of Hardoi (1) and Fyzabad (8). There was, as I previously remarked, a great increase in these serious offences in the districts of Sitapur, Bahraich and Kheri.

Criminal intimidation, insult and annoyance.

58. Under these offences there were 158 cases as against 128 in the previous year. Out of 286 persons tried, only 13 per cent. were convicted against 17 per cent. in the previous year.

Arms Act XI of 1878.

58. The number of persons tried for offences against the Arms Act was 103, being 20 more than in 1892, and the percentage of convictions was nearly 80 per cent. as against 65 per cent. in the previous year. Convictions were obtained against one person tried in Lucknow City, two persons in Unao and two in Gonda; the trial of 31 persons in Hardoi resulted in the conviction of 26 persons, and 13 persons were convicted out of 15 tried in Bahraich.

Receiving stolen property.

60. There was a decrease of 140 cases under this heading, the decrease being mainly in the districts of Kheri (57), Lucknow (29) and Gonda (28). Convictions were obtained against 71 per cent. of the 1,230 persons tried, the percentage last year being 75. The percentage of convictions was high in Partábgarh (81), Sultánpur (78), Bahraich (77), Hardoi and Sitapur (each 76) and Kheri (75).

Attempted suicide.

61. Three hundred and forty-three persons were tried—the number last year was 400. The percentage of convictions was 78 or 3 more than in the previous year.

Culpable homicide.

62. The percentage of convictions rose from 40 to 64 per cent., and the number of cases fell to 68 from 83 in 1892. One hundred and thirty-seven persons were tried as against 165 in 1892. The greatest number of cases occurred in the districts of Gonda (12), Bara Banki (9) and Bahraich (8).

Causing death by rash or negligent act.

63. Here also the percentage of convictions rose from 37 to 39 per cent. The number of cases and persons under trial was 20 and 33, against 15 cases and 19 persons in 1892.

Murder.

64. During the year under report, 252 persons were brought to trial for the offences of "Murder" and "Attempt to murder;" 104 or 41 per cent. were convicted. Last year out of 209 persons brought to trial 38 per cent. were convicted. The majority of these cases occurred in the districts of Lucknow (58), Hardoi (46) and Sitapur (50 persons). Prosecutions were most successful in the districts of Kheri, Sitapur, Lucknow and Hardoi.

Criminal force and assault.

65. The number of persons brought to trial in 2,180 cases was 4,770, against 4,271 in 1,995 cases in the previous year. The percentage of acquittals was higher than that of the previous year (71 per cent. against 66 per cent.). The district percentages of acquittals for each year are as follows:—

	1892.	1893.
Rae Bareli	79	84
Sultánpur	76	80
Unao	74	79
Hardoi	66	76
Sitapur	80	75
Kheri	56	74
Lucknow City	71	72
Bahraich	57	71
Fyzabad	54	70
Partábgarh	67	66
Gonda	59	64
Lucknow	68	54
Bara Banki	36	46

Only two districts, namely Sitapur (—5) and Partábgarh (—1) show a decrease in the number of persons acquitted, whilst all the other districts show an increase ranging from Kheri (+18) down to Lucknow City (+1).

False evidence and offences against public justice.

66. The percentage of convictions obtained under this heading during 1893 was 61, the same as in the previous year. The highest percentage was 84 in Sitapur, followed by 82 in Hardoi, and 74 in Lucknow and Sultánpur, whilst the lowest was 32 in Bara Banki.

Offences relating to coin and Government stamps.

67. Eleven more persons were tried for these offences in 1893 than in 1892; but out of 105 so tried, 59 persons were discharged or acquitted, and 46 persons or 43 per cent. were convicted against 64 per cent. in 1892. This low percentage is owing to convictions being obtained against only 1 out of 5 persons tried in Bara Banki, against 2 out of 10 tried in Partábgarh and against 6 out of 24 persons tried in Gonda.

Rape.

68. Sixty-four persons were tried and 31 were convicted. The percentage of convictions rose from 43 in 1892 to 48 in 1893. The number of persons tried last year was 58.

Defamation.

69. Cases under this head rose from 172 to 193. No convictions were obtained against 13 persons tried in Gonda, nor against 11 persons tried in Fyzabad. The percentages of convictions obtained in other districts were:—Hardoi 66, Lucknow and Partábgarh each 37, Bara Banki and Sultánpur each 23, Lucknow City 14, Unao 11, Sitapur 9, Bahraich 6 and Kheri 5.

70. There were 51 fewer offences against the Cantonment Act reported in Lucknow, and 26 fewer in Sitapur, but Fyzabad shews an increase of 25, offences. Of 729 persons tried, 627 persons or 86 per cent. were convicted. As compared with the figures for 1892, Fyzabad shews an increase of 25, whilst Lucknow and Sitapur shew a decrease of 51 and 26 persons, respectively, in the number tried in 1893.

Cantonments Act III of 1880.

71. There is a striking similarity in the figures relating to Offences against the Opium Acts for the years 1892 and 1893; 232 offences were reported in 1892 as against 234 in 1893, in which year 256 persons were tried and 195 were convicted, as against 254 tried and 186 convicted in the previous year. The number of persons tried in Bara Banki was 52 more and in Partábgarh 23 less than in the previous year. The percentages of convictions obtained in 1893 was 76 or 2 per cent. higher than in 1892.

Opium Acts XIII of 1857 and 1 of 1878.

72. There was a decrease in the number of offences reported, and in the number of persons tried for breaches of the Stamp Act in 1893 as compared with the figures for 1892. In 1892, 275 cases were reported, 377 persons were tried and the percentage of convictions was 78. During the year under report, 232 cases were reported, 320 persons were tried and the percentage of convictions was 75. Convictions were obtained against the 4 persons tried in Sitapur, and the 12 tried in Unao. Very high percentages of convictions were obtained in Bara Banki (96), Sultánpur (94), Partábgarh (90), Lucknow (86) and Rae Bareli, (85), the lowest percentage was (45) in Kheri.

Stamp Act I of 1879.

73. With respect to persons convicted of offences under the Indian Penal Code, the district of Hardoi stands first, with 2,127 convictions, Partábgarh follows with 1,760 convictions, and the district of Lucknow stands last with 773 convictions.

The number of convictions for Offences affecting the human body was very large in Hardoi (806). In no other district did the number exceed 568 (Partábgarh).

The district of Gonda, in which there were only 1,572 convictions, shews as many as 1,030 convictions under "Offences against property," Hardoi and Partábgarh following with 959 and 947 convictions, respectively.

More than 100 convictions under "Offences against the public tranquillity" were obtained in Fyzabad, Hardoi, Sultánpur, Bara Banki, Sitapur and Unao.

The proportion of convictions for Offences against the person to the convictions for Offences against property, was very high in Hardoi (806 to 959), and very low in Gonda (330 to 1,030).

74. Proceedings to prevent a breach of the peace numbered 823, being 64 less than in 1892. The number of persons called upon to furnish security to keep the peace was 2,519, being 191 less than in 1892. The number actually bound over rose, however, from 1,390 to 1,421, the percentage rising from 51 to 56. Seven district percentages were above the provincial average, namely, Partábgarh 86, Lucknow City 82, Lucknow 74, Unao 64, Sultánpur 61, Bara Banki 60 and Fyzabad 55, the percentages in the remaining districts ranged from 50 in Hardoi down to 22 in Kheri. Proceedings were most numerous in Bara Banki (463), Sultánpur (389), Gonda (317), Partábgarh (280) and Hardoi (258).

IMPERIAL RETURN No. III. Proceedings under Criminal Procedure Code. Security for keeping the peace.

75. There was an increase of 44 in the number of persons called upon to show cause why they should not furnish security to be of good behaviour. The number of persons from whom security was actually demanded rose from 343 in 1892 to 403 in 1893. Lucknow City, Bara Banki, Bahraich and Partábgarh districts show a slight decrease in the number of persons from whom security was demanded. The increase in the other districts ranges from 27 in Sitapur, 13 in Fyzabad, 12 in Sultánpur and 11 in Kheri, down to 1 in Hardoi. Proceedings were most numerous in Lucknow City (75), Sultánpur (64), Fyzabad (63),

Security for good behaviour.

Hardoi (61). In Gonda, which heads the list in the number of convictions against property, proceedings were taken against only 26 persons.

76. The Deputy Commissioner of Sultánpur remarks:—"The bad livelihood "sections of the Criminal Procedure Code have been worked more energetically. They "form a most valuable preventative agency, and action under them has been fairly "successful without being tyrannical. Cases of this nature are almost invariably taken "up on the spot in the cold weather and decided then and there."

Proceedings against local nuisances.

77. The number of persons involved in proceedings against local nuisances rose from 366 in 1893 to 439 in 1898, and orders directing the abatement of nuisances were passed against 209 persons, or 30 more than in 1892.

Disputed possession.

78. There were 307 persons concerned in proceedings regarding disputed possession, and orders were passed against 176. These cases were mainly in Hardoi (68), Partábgarh (64), Gonda (53), Fyzabad (41) and Sultanpur (40). Three of these districts, *viz.*, Hardoi, Fyzabad and Sultánpur show a very high number of convictions under "Offences against the public tranquillity." In the other districts in which convictions under these offences were numerous (*viz.*, Bara Banki, Sitapur and Unao), proceedings regarding disputed possession were few in number.

Frivolous or vexatious complaints.

79. During the year under report, 622 persons (or 54 more than in the previous year) were called upon to pay compensation to accused persons under section 560, Criminal Procedure Code. Five districts as shown below, compensated more persons than in 1892, whilst in eight districts fewer persons were compensated:—

Hardoi	...	...	+ 85
Bara Banki	...	...	+ 39
Rae Bareli	...	...	+ 23
Partábgarh	...	...	+ 4
Lucknow City	...	...	+ 3
Sultánpur	...	...	− 28
Gonda	...	...	− 23
Fyzabad	...	...	− 15
Sitapur	...	...	− 13
Unao	...	...	− 9
Kheri	...	...	− 8
Lucknow	...	...	− 2
Bahraich	...	...	− 2

The provisions of section 560 of the Code of Criminal Procedure appear to be more freely worked in Oudh than in the North-Western Provinces; in the latter Province only 527 persons were proceeded against in 1892 under this section.

Maintenance.

80. Maintenance orders were passed against 211 out of 777 persons proceeded against. These cases were most numerous in Lucknow City (146), Bara Banki (65), Fyzabad (64), Rae Bareli (76) and Sultánpur (81).

Imperial Return No. IV, Magisterial work.

81. During the year under report, there were 73,721 persons under trial, including those involved in cases pending at the close of 1892, being 5,196 more than in that year. The mode of disposal in each year is shewn below:—

	1892.	1893.
Died, escaped or transferred	300	318
Discharged or acquitted	36,852	41,173
Convicted on regular trial	25,907	26,233
„ summary trial	3,881	3,973
Committed or referred	700	883
Remaining under trial	1,385	1,191
Average duration of each case (days)	7·36	7·58

The percentage of persons convicted, committed, and whose cases were referred, to the number of persons tried was 42·79 in 1893, against 44·66 in 1892. The district percentages for each year were as follows:—

	1892.	1893.
Lucknow City	63	61
Gonda	52	54
Lucknow	49	49
Fyzabad	54	48

	1892.	1893.
Partábgarh	45	45
Bara Banki	47	41
Sitapur	37	41
Unao	39	40
Hardoi	41	39
Bahraich	37	36
Kheri	41	36
Sultánpur	33	38
Rae Bareli	35	29

The five districts, which are above the provincial average, were also above that average last year.

The percentages in Tahsíldárs' Courts ranged from 46·89 in Gonda, 37·56 in Partábgarh, 35·14 in Lucknow, and 33·33 in Sitapur down to 14·93 in Bahraich.

In the Courts of Native Assistants, the percentages varied from 84·37 in Lucknow City, 59·22 in Partábgarh, 52·92 in Gonda to 37·30 in Rae Bareli.

The Courts of European Assistants show high percentages in Sultánpur 66·76, in Lucknow City 64·46 and Lucknow 64·62.

Benches of Honorary Magistrates, except in the case of Kheri 22, had high percentages of convictions, the most noticeable being 76·17 in Rae Bareli, 71·37 in Gonda, 69·48 in Fyzabad, 63·37 in Hardoi and 58·90 in Lucknow City.

The percentages in the Courts of Honorary Magistrates sitting singly ranged from 55·80 in Bahraich, 54·54 in Sultánpur, and 52·24 in Hardoi down to 8·33 in Sitapur.

82. The average duration of 7·58 days was almost the same as in 1892. It was, however, a fraction higher in the Courts of Honorary Magistrates, Tahsíldárs, European Assistants and Deputy Commissioners under their enhanced powers. On the other hand it was lower by a day in the Courts of Benches of Magistrates, and a trifle lower in the Courts of Native Assistants and Deputy Commissioners.

83. A comparative table showing the amount of work performed by the several classes of Courts during 1892 and 1893 is here given :—

Classes of Courts.	1892.		1893.	
	Number of persons disposed of.	Percentage on total number of persons disposed of.	Number of persons disposed of.	Percentage on total number of persons disposed of.
Unpaid Magistrates sitting singly ...	5,058	7·5	5,095	7·0
Benches of Magistrates	9,220	13·7	8,865	12·2
Local and subordinate paid Magistrates ...	16,665	24·82	21,728	29·9
Full power Magistrates of general jurisdiction. { Natives ...	24,939	37·1	27,502	37·9
{ European ...	7,694	11·4	7,519	10·3
Chief Magistrates of districts	1,184	1·7	1,362	1·08
Deputy Commissioners under section 30, Act X of 1882	360	·53	461	·63

Local subordinate paid Magistrates disposed of 5 per cent. more work in 1893 than in 1892, while Benches of Magistrates and European full power Magistrates disposed of less work by 1 per cent.

The amount of work done by other classes of courts was practically the same as that of the previous year.

The number of persons dealt with by Deputy Commissioners under their enhanced powers was 101 more than in the previous year.

84. The 48 Honorary Magistrates, who sat singly, disposed of 2,553 cases involving 5,095 persons. In 1892, 2,496 cases and 5,058 persons were disposed of by 41 Honorary Magistrates. Seven Honorary Magistrates disposed of more than 100 cases each, namely:—

Munshi Ali Daksh Khan	237
Raja Jagmohan Singh	236
Rao Narain Bali	235
Munshi Muhammad Qasim	229
Raja Partáb Bahadur Singh	193
Munshi Mumtaz Ali Khan	183
Raja Rampál Singh	131

The nine Benches of Honorary Magistrates named below decided more than 100 cases each :—

Lucknow City	2,304
Fyzabad	950
Rae Bareli	453
Gonda	329
Sitapur	282
Sandila	247
Lakhimpur	161
Balrámpur	147
Shahabad	113

The Deputy Commissioner of Lucknow brings to notice the services rendered by the following gentlemen :—

"Of the Honorary Magistrates of the Bench, Lala Bishambhar Nath (who "attended 133 days), Munshi Mehndi Ali Khan (111 days), and Rae Din Dayal (105 "days), deserve special mention in this report for their punctual attendance, and the "amount of work they have disposed of."

The Deputy Commissioner of Hardoi writes : "The decrease of 7·20 per cent. in the amount of work done by the Honorary Magistrates sitting singly, is due to the lamented death of Munshi Inayat-ul-lah Khan, which took place in the middle of the year under report. He was a full-powered Magistrate, and his loss has been much felt."

The Deputy Commissioner of Fyzabad remarks : "Nearly one-fourth of the case "work of the district, counting numerically, was done by the Bench. The value of "their assistance has been great. Each month certain files are inspected, and irregula- "rities, if any, are pointed out."

85. The work done by Deputy Commissioners during the year under report is set out in the following statement :—

Names of Deputy Commissioner.	Districts.	Period during which charge was held.	Number of cases disposed of.		
			Under their ordinary powers.	Under section 30, Criminal Procedure Code.	Under their summary powers.
F. B. Mulock	Lucknow ...	Whole year	59	3	1
P. J. White	Bara Banki...	Ditto	...	...	...
Lieut.-Col. E. E. Grigg ...	Sitapur ...	1st January to 17th May and 18th to 31st December.	29	58	...
J. V. Sturt		18th May to 17th December ...	22	13	1
W. R. Tucker	Kheri ...	6th September to 20th October,	4	1	...
Lieut.-Col. W. P. Harrison ...		The rest of the year ...	91	38	73
Colonel T. J. Quin ...	Hardoi ...	Whole year	27	41	20
J. Penney	Unao ...	4th April to 3rd October ...	14	13	...
A. M. W. Shakespear ...		The rest of the year ...	1	2	...
W. R. Tucker	Fyzabad ...	22nd April to 4th July ...	...	18	...
R. E. Hamblin		The rest of the year ...	14	25	10
H. W. Gibson	Bahraich ...	Whole year	44	44	27
Lieut.-Col. G. W. Anson ...	Gonda ...	4th May to 28th July ...	5	1	2
" " F. Barrow ...		The rest of the year ...	59	15	38
B. Lindsay	Rae Bareli ...	2nd June to 4th July ...	20	...	5
D. C. Baillie		The rest of the year ...	43	1	18
G. R. C. Williams	Sultánpur ...	23rd November to 31st December,	9	...	...
F. W. Brownrigg		The rest of the year ...	60	12	52
J. Sanders	Partábgarh...	1st January to 2nd May and 26th July to 6th November.	5	...	...
A. Sabonadiere		3rd May to 25th July ...	30	2	19
H. W. W. Reynolds ...		7th November to 31st December,	5	2	...
		Total for 1893 ...	550	288	206
		Ditto ...	288	248	188
		Difference. ...	+262	+40	+78

Deputy Commissioners disposed of many more cases under their ordinary powers during the year under report than in the preceding year, and the number of cases tried by them summarily has increased from 188 to 266.

86. Out of 288 cases tried under section 30, Criminal Procedure Code, no less than 206 were disposed of by five Deputy Commissioners, namely :—

Colonel Grigg	... 58
„ Harrison	... 38
„ Quin	... 41
Mr. Hamblin	... 25
„ Gibson	... 44
Total	... 206

In explanation of the reason of his inability to try any original criminal cases, Mr. White, Deputy Commissioner, Bara Banki, writes :—"I regret that I have been "unable to take up any original criminal work. The Court of Wards' work has pressed "with enormous weight on my time. Sixteen estates, most of them large ones, were "under direct management during the year. They comprised about 480 entire villages "and pattis or shares in nearly 390 other villages. * * * * In short this special charge "of mine is a very heavy, very exacting and very onerous one, and may well excuse me "for the absence of original criminal work from my file."

Mr. Baillie, Deputy Commissioner of Rae Bareli, writes : "As I had throughout "the year both census and settlement work in hand, I was unable to take up any cases "I could possibly make over to a subordinate and have committed to the Sessions."

Mr. Sanders, Deputy Commissioner of Partábgarh, had no time to take up criminal work on account of settlement being in progress in his district.

Pending cases.

87. Although there was a much larger number of cases before the courts in 1893 than in 1892, there were only 543 cases pending at the close of the year 1893, against 594 pending at the commencement of it. The highest number pending in a district was 74 at Sitapur and the lowest was 11 at Lucknow.

Duration of trials.

88. In 1893, the average duration of trials was 7·58 days, very similar to 7·36 days in 1892. The highest averages were 10·65 in Sitapur, 10·21 in Hardoi and 10·33 in Bahraich, and the lowest average was 3·81 in Lucknow City. The highest and lowest averages in the different classes of courts are shewn in the following table :—

Classes of Courts.	Provincial average.	Lowest average.		Highest average.			
	Days.		Days.		Days.		Days.
Benches of Magistrates	3·15	Bara Banki ...	1·72	Kheri	... 5·05	Sitapur ...	3·03
Honorary Magistrates	5·88	Gonda ...	1·20	Sitapur	... 31·07	Sultánpur	15·62
Tahsildárs	7·21	Sultánpur ...	2·75	Bahraich	... 13·40	Partábgarh	11·01
Native Assistants	6·87	Lucknow ...	5·62	Sitapur	... 13·87	Bahraich ...	11·08
European Assistants	8·33	Rae Bareli ...	3·13	Hardoi	... 16·55	Partábgarh	15·77
District Magistrates, ordinary jurisdiction.	6·07	Sultánpur ...	3·47	Lucknow	... 14·55	Unao ...	14·13
District Magistrates, powers under section 30, Criminal Procedure Code.	9·8						

Convictions obtained.

89. The percentages of convictions and committals to the total number of persons disposed of in each district in the years 1892 and 1893, are here given :—

	1892.	1893.	Difference.
Sultánpur	33·37	37·65	+ 4·28
Sitapur	37·78	40·52	+ 2·74
Bahraich	36·99	38·49	+ 1·50
Unao	38·33	39·51	+ 1·18
Gonda	52·56	53·58	+ 1·02

	1892.	1893.	Difference.
Lucknow	48·85	48·96	+ 0·11
Partábgarh	45·50	45·30	— 0·20
Lucknow City	63·13	60·95	— 2·18
Hardoi	41·69	39·26	— 2·43
Kheri	41·85	38·85	— 3·00
Bara Banki	46·79	41·80	— 4·99
Fyzabad	53·07	47·78	— 5·89
Rae Bareli	35·14	29·39	— 5·75

There was an improvement in six districts upon the percentage for 1892, and five district percentages are above the provincial average. Seven districts show lower percentages than in the preceding year, of which the most noticeable are Fyzabad (—5·87), Rae Bareli (—5·75) and Bara Banki (—4·99).

90. The percentages of convictions and committals to the number of persons tried by the several classes of courts in 1892 and 1893, are given below :—

Classes of Courts		1892.	1893.	Difference.
Unpaid Magistrates sitting singly		36·43	34·30	—2·13
Benches of Magistrates		62·60	62·28	—0·32
Local and subordinate paid Magistrates		30·38	27·84	—2·54
Full power Magistrates of general jurisdiction.	Native ...	47·84	47·36	—0·48
	European ...	46·60	45·64	—0·96
Chief Magistrates of districts		76·43	75·18	—1·25
Deputy Commissioners under section 30, Criminal Procedure Code		74·44	73·31	—1·13

91. The difference in the percentage of convictions between Native and European 1st class Magistrates was 1·7 per cent. in 1893 and 1·2 per cent. in 1892, in favour of the Natives. It is impossible to explain such minute variations.

The percentages of convictions by Magistrates of districts are high, because they comprise many cases under section 349, Criminal Procedure Code, in which conviction by the District Magistrate is almost certain, and also cases under section 34, affecting habitual offenders, in which convictions are very general. The percentages of other 1st class Magistrates, Native and European, are lessened by the circumstances that the trial of large classes of offences against Municipal bye-laws, and of nuisances, in which convictions are the rule, is taken from them, and assigned to Benches of Honorary Magistrates, whose percentages therefore are much higher than those of the 1st class Magistrates.

Local and subordinate paid Magistrates disposed of more cases than in the previous year; but the percentages of convictions in their courts was poor, being 2½ per cent. lower than that of last year. This decrease in the percentage appears to be due to the increase during the year under report in the number of Hurt, Assault and Mischief, and Cattle trespass cases. In these classes of cases the proportion of discharges and acquittals, owing to the absence of the complainant, or the withdrawal or compounding of the complaint is, as a rule, high.

92. There was an increase of 687 in the number of summary trials. Out of 3,641 sentences passed, 1,863 were appealable, but only 15 were appealed, and out of these 13 were confirmed. Of the 2,077 sentences passed by the Lucknow Bench of Magistrates, 1,741 were appealable, and 3 were appealed, resulting in the confirmation of two.

93. References to Deputy Commissioners for enhanced punishments rose to 478 in 1893, from 393 in 1892; 446 sentences were confirmed, 11 were modified and 21 were reversed.

References for enhanced punishment.

94. Deputy Commissioners referred 30 sentences passed under their enhanced powers to Sessions Judges, out of which one was modified, one was reversed and the remainder were confirmed.

References of certain cases tried under section 30, Act X of 1882.

95. The number of persons punished rose to 32,412 from 32,116 in 1892. The punishments awarded during the years named are shewn below :—

IMPERIAL RETURNS NOS. V AND VA.—Punishments.

	Number of persons punished.		Percentage on total number of punishments.	
	1892.	1893.	1892.	1893.
Transportation	..	4	...	0 01
Rigorous imprisonment	9,282	8,880	28 12	27 39
Simple ,, ...	371	401	1·10	1 23
Fine	19,135	19,276	59 58	59 47
Whipping	1,629	2,040	5 07	6 23
Persons ordered to give security	1,919	1,811	6 06	5 58

During the year under report, sentences of simple imprisonment rose by 30, sentences of fine rose by 141, and sentences of whipping rose by 411; but sentences of rigorous imprisonment decreased by 152, as compared with the figures for the preceding year.

96. The percentages of terms of imprisonment to the total number of such sentences in 1892 and 1893, are as follow :—

Terms of imprisonment.

	1892.	1893.
For fifteen days and under	22·3	20 41
For six months and under	53 5	54·12
For two years and under	25·3	23
Over two years	2·2	2 45

Six juvenile offenders were sent to the Reformatory School at Bareilly instead of being imprisoned.

97. It does not appear that the proportion of sentences of simple imprisonment is greater, or that sentences of imprisonment are lighter in Oudh than in the North-Western Provinces—

	Oudh.	North-Western Provinces.
	1893	1892
Percentage of persons sentenced to simple imprisonment	4·	6·
Percentage of sentences of imprisonment above 6 months to total number of sentences of imprisonment	31·	28·

With the view of controlling the action of the Courts in the award of punishments for the offences of Giving false evidence, Grievous hurt, Rioting, Cattle-theft and Burglary (referred to in paragraph 5 of G. O. No. $\frac{2049}{VI-207C}$, dated 25th October 1893, as offences, which have been found, in some instances, to be insufficiently punished in the North-Western Provinces), my predecessor, Dr. Howell, addressed a General Letter (quoted in the footnote)* to all Sessions Judges, directing them to submit, with the usual quarterly business statements, a return shewing the sentences awarded during the quarter for those offences, with the Magistrate's explanation and Sessions Judge's remarks, where necessary. It is hoped that this increased control will lead to greater uniformity in the award of punishments, and to fewer instances of inadequacy of punishments.

*With reference to the remarks of Government at page 4 of the Review on the Criminal Administration Report for 1892, the Judicial Commissioner desires to satisfy himself as to the uniformity and adequacy of the sentences inflicted by the different Courts in each district for the offences of intentionally Giving false evidence, Voluntarily causing grievous hurt, Rioting, Cattle-theft and House-breaking

2 You are therefore requested to submit, with the usual quarterly business statement, a return in the following form :—

District.	Court.	Offence.		Name of convict.	Date of conviction	Sentence.	Magistrate's remarks.	Sessions Judge's comments.
		Description	Section of Penal Code					

(General Letter No. 02, dated 9th January 1894.)

98. Freer recourse was had to this mode of punishment. Sentences of whipping numbered 2,040, being 411 more than in 1892. The percentages for both years are given below :—

Whipping.

	1892.	1893.
10 stripes and under	47·0	46·25
20 „ „	44·2	43·01
30 „ „	8·2	10·73

The punishment of whipping was inflicted on 28 juveniles for offences which would have entailed other punishments had they been adults. In the previous year 25 juveniles were so punished. The percentage of whippings calculated on all cases in which the offenders might have been punished with whipping rose from 19·96 to 23·19. The percentage last year for the North-Western Provinces was 16·51. The percentage of whippings awarded was highest in Lucknow City 35·45, Kheri 30·65 and Gonda 28·23, and lowest in Lucknow 20·47, Sitapur 16·09 and Sultánpur 13·66.

99. The Deputy Commissioner of Sitapur writes :—"The actual number whipped is very small. There is evidently a strong repugnance to flogging, and no amount of warning appears to have any effect. Tahsildárs do occasionally submit cases for flogging; but this is generally done after many takids."

100. The Deputy Commissioner of Hardoi remarks : "Whippings have improved this year though not yet to the extent that could be wished for. The Honorary Magistrates sitting singly inflicted 47 whippings. The Native Assistants inflicted 105 whippings. Mr. H. E. Holme inflicted 34 whippings, and I awarded this punishment in 71 cases against 18 in 1892."

101. The Deputy Commissioner of Fyzabad writes : —"The attention of Magistrates is constantly directed to the expediency of passing sentences of whipping, or of rigorous imprisonment in reference to simple imprisonment. The percentage of flogging would be higher were this a suitable punishment to order in the case of a re-convicted prisoner being sentenced to a long term of imprisonment. It is of no use, as a deterrent, to order such a prisoner to be flogged, for the flogging would take place at the commencement of his imprisonment and would be forgotten long before his release. For such flogging to act as a deterrent it should be administered 15 days before release instead of after admission as as is now done."

Upon which the Sessions Judge, Mr. Wyer remarks :—"It is very difficult to say for what offences whipping is a suitable punishment. For children and youths it is in certain cases a suitable punishment, but for the son of a respectable man a whipping in public at kutcherry involves indelible disgrace to the recipient, and to his family. In the case of the youth over 16 years he probably receives marks from the punishment which lasts all his life. In my opinion a flogging for a respectable youth is not a suitable punishment. For the miserable thief, who steals from want it is a cruel and harsh punishment, and may operate seriously on the health and powers of work of the recipient for some time after the infliction. For the previously convicted thief, who is flogged as well as imprisoned, I doubt whether the effect is in the least deterrent. It might be more deterrent if inflicted shortly before the expiration of the term of imprisonment, but there are some objections to this treatment of an offender, which, though this may possibly be treated as sentimental, have considerable force. I doubt very much whether whipping is a suitable sentence, except in cases where violence is used by the thief, in cases where imprisonment is also imposed. For a first offence whipping is in most cases inappropriate, as it leaves a permanent brand on the person of the recipient, and is in this view to be deprecated as a civilised form of judicial punishment. Thus, there are very few cases left for the suitable exhibition of this judicial remedy."

102. With reference to the remarks at page 4 of G. O. No. $\frac{2049}{VI-2070}$, dated 25th October 1893, my predecessor, Dr. Howell addressed General Letter No. 393, (quoted

in the foot note),* to all District Magistrates, pointing out the cases in which the sentence of whipping is a fit punishment, and directing that the action of subordinate Magistrates in exercising their powers under the Whipping Act, and their discretion under section 349 of the Code of Criminal Procedure, be carefully watched.

Persons fined.

103. The number of persons fined was 19,276 or 141 more than in the previous year. There was an increase of 157 persons fined "Rs. 10, and under," and of 9 persons fined "Rs. 100 and under." On the other hand there was a decrease of 18 persons fined "Rs. 50 and under," and of one person fined "Rs. 1,000 and under."

The Lucknow City Bench fined 1,980 persons in 1893 as against 2,228 in 1892.

Fines imposed and realised.

104. Fines to the amount of Rs. 1,08,869-1-0 were imposed, being Rs. 897-4-1 more than in the previous year. The percentage of realisations (83·4) was almost the same as in 1892, and was 3 per cent. less than in the North-Western Provinces in 1892. District percentages of realisations were :—

Unao	95·07	Kheri	83·34
Fyzabad	93·18	Lucknow City...	83·32
Sultánpur	89·89	Gonda	77·42
Sitapur	88·40	Partábgarh	74·12
Lucknow	85·48	Hardoi	73·58
Bahraich	84·07	Rae Bareli	72·37
Bara Banki	62·90		

The Lucknow City Bench realised Rs. 2,108-12-2 out of Rs. 2,232-4-6, imposed as fines.

Outstanding fines.

105. At the close of the year under report, outstanding fines amounted to Rs. 11,945-2-10, being Rs. 2,224-15-1 less than the amount outstanding at the close of 1892. The heaviest balances were Rs. 5,304-1-0 in Lucknow City and Rs. 2,285-15-3 in Partábgarh.

Compensation paid.

106. During the year under report, Rs. 14,387 were paid as compensation to injured persons under section 545 of the Criminal Procedure Code, out of Rs. 90,889, the amount of fines realized, or nearly 16 per cent. The percentage of the amount granted in compensation in the North-Western Provinces in 1892 represented 8·8 per cent. of the total sum realized. The percentage of the amount granted in compensation to the total amount of fines imposed was 13 per cent. as against 6 per cent. in the North-Western Provinces in 1892.

The highest grants were in the following districts :—

	Rs.	Percentage of the total sum realized.
Partábgarh	2,113	16.
Hardoi	1,783	19.
Kheri	1,472	28.

*With reference to the remarks at page 4 of G. O. No. $\frac{2949}{V1-267-C}$, dated 25th October 1893, reviewing the report on the administration of criminal justice in Oudh for the year 1892, I am directed to say, that while an idle vagabond is generally not deterred from stealing by short sentence of imprisonment, and should be whipped, on the other hand, a man, who is evidently not living by theft, but has been betrayed by temptation, or exceptional circumstances, into a breach of the law ought not to be flogged for a first offence.

2. Magistrates empowered to whip ought to be able to distinguish the cases in which whipping is a fit punishment. If it is found that a Magistrate so empowered neglects to use his powers, or uses them with undue frequency, an examination of his cases will readily show whether he is in fault, and what his fault is. A Magistrate who, after instruction and warning, fails to use his powers with wise discretion, is unfit to have them; and the Judicial Commissioner will move the Government to deprive him of them.

3. One great difficulty is to induce Magistrates not empowered to whip to use the discretion which section 349 of the Criminal Procedure Code allows them of referring the case to a superior Magistrate for sentence.

4. The Judicial Commissioner requests District Magistrates to watch carefully the work of their subordinates and teach them to recognise the class of cases in which a sentence of whipping should be passed, or which should be referred, under section 349, to a Magistrate empowered to pass such a sentence. (General Letter No. 393, dated 26th February 1894.)

The grants were low in the following districts :—

	Amount of fines realized.	Amount paid under section 545.
	Rs.	Rs.
Lucknow	3,715	498
Bara Banki	7,095	682
Unao	5,487	685

Habitual Offenders.

107. During the year under report, 1,091 habitual offenders, of whom 684 had been convicted once before, and 407 more than once, were brought to trial. In the previous year, 1,014 such persons were brought to trial. The percentages of those who had been convicted once before, and oftener than once, were 62·6 and 37·3, respectively, as against 63·1 and 36·8 in 1892.

108. The Deputy Commissioner of Hardoi remarks :—"The police are most careful in tracing out previous convictions, and the numerous heavy sentences awarded must lessen the number of 'habituals.' These gentry now understand the results to themselves of previous convictions, and give false names, false castes, &c. In several cases it was most creditable to the police that the numerous previous convictions were brought home to the criminals."

109. Habitual offenders are well looked after in Hardoi. Their cases are brought before the Deputy Commissioner, who considers whether they should be tried under section 30, Criminal Procedure Code, or whether their commitment to the Court of Sessions should be directed.

Regarding the punishment of professional poisoners, instructions were issued to Sessions Judges and Magistrates in Book Circular No. III of 1894, (quoted in the foot note).*

IMPERIAL RETURN No. VI. Appeals to Deputy Commissioners.

110. There was a small decrease in the appellate work of Deputy Commissioners, 1,469 persons being dealt with, or 34 less than in the previous year. Appeals were rejected or sentences were confirmed in the cases of 906 persons, or nearly 62 per cent. The sentences passed on 157 persons, or nearly 11 per cent. were reduced or otherwise altered, and the sentences on 567 persons, or about 25 per cent. were reversed. In the case of one person proceedings were quashed, and a new trial or further enquiry was ordered with regard to 21 persons. At the close of the year, the appeals of 13 persons remained pending. The average duration of each appeal was 10·07 days, as against 8·64 days in 1892, and 11 days in the North-Western Provinces. The percentage of persons appealing from appealable orders was 7 in both years, and 12 in the North-Western Provinces in 1892. The following districts show the highest and lowest percentages :—

Highest.			Lowest.		
Kheri	10		Unao	5	
Sitapur, Rae Bareli ...	9		Gonda, Bara Banki ...	4	
Sultánpur, Partábgarh ...	8		Lucknow City ...	2	

As regards the percentage of appeals rejected or dismissed, or in which sentence was confirmed, the following variations are noticeable :—

High.			Low.		
Kheri	86		Partábgarh ...	44	
Hardoi	83		Lucknow ...	33	
Fyzabad	77		Bahraich ...	29	

* With reference to the concluding sentence of para. 5 of G. O. No. $\frac{2949}{VI-25-G.}$, dated 25th October 1893, and to General Letter No. 55, dated 8th January 1894, the Judicial Commissioner deems it advisable to draw attention to the fact that a sentence of transportation for life cannot be inflicted under section 328, Indian Penal Code, even on a second or third conviction, because section 75 does not apply to offences punishable under Chapter XVI, Indian Penal Code, in which section 328 is placed.

2. If, however, the offender not only causes or attempts to cause hurt by poisoning, in order to commit theft, but afterwards commits theft on his victim, thus completing the offence of robbery, he may be dealt with under Chapter XVII, sections 392 and 394; and in that case may be transported for life under section $\frac{392}{75}$, section 394, or section $\frac{394}{75}$, Indian Penal Code, if he be convicted by the Court of Sessions not by the Deputy Commissioner. (Book Circular No. III of 1894).

Revision

111 Somewhat fewer applications for revision were made to Deputy Commissioners (427 against 433 in the previous year) Applications were rejected or sentences were confirmed with regard to 690 persons, or 78 per cent, out of 882 persons concerned (the same percentage as in the North Western Provinces for 1892), as regards 19 persons the sentences were reversed or the proceedings were quashed New trial or further enquiry was ordered in the cases of 140 persons, the cases of 23 persons were referred to the Judicial Commissioner, and the applications of only 9 persons remained pending The average duration was 13 days, against 11 in the North Western Provinces for 1892 The largest number of applications was in Sultanpur (75), Fyzabad (74), Bahraich (48), and the fewest number in Gonda (18), Sitapur (10) and Bara Banki (9)

Supervision

112 Deputy Commissioners called up of their own motion 1 376 cases, in which 2,563 persons were involved, being 269 cases and 381 persons fewer than in 1892 The cases of 62 persons were referred to the Court of the Judicial Commissioner Mr Brownrigg of Sultánpur called up 288 cases, Colonel Barrow of Gonda and Mr Hamblin of Fyzabad called up 201 and 161 cases, respectively

113 The Deputy Commissioner of Sultánpur remarks —'I may explain that 'in all the above cases the records were brought up before me, and inspected by me "It was not a formal duty made over to the Munsarim In this way I have managed "to keep in touch with the criminal work of the district, besides doing a fair amount "of original work when opportunity offered I consider it one of the most important "duties of a Magistrate to keep himself thoroughly *au fait* with the work of his sub-"ordinates, through a regular supervision of their records It is, moreover, the only "means they have of being helped and guided in their work"

114. The Deputy Commissioner of Fyzabad writes —"In the 158 cases in which "it is recorded that no action was taken, such entry does not mean that I did noth-"ing In many such cases instructions were issued for future guidance"

Detention of witnesses

115 There was a considerable increase in the number of witnesses who attended Magisterial Courts during the year under report, the number being 104,899 against 99,359 in 1892, of these 104,899 witnesses, 103,315 were examined No less than 99,989 witnesses or 95 31 per cent were detained for a day (against 90 per cent in the North-Western Provinces in 1892), while 4,266, or 4 06 per cent were detained for two days, and 644 or 0 61 per cent were detained for longer periods The largest number of witnesses detained over the second day was 165 at Gonda

Witnesses dieted

116 The number of witnesses who were paid diet money and travelling expenses was 44 6 per cent of the number who attended being nearly 5 per cent lower than in 1892 The average cost of dieting a witness, excluding travelling allowances paid to Government servants who attended as witnesses, fell from seven annas one pie to six annas eleven pies—

	Number of witnesses dieted	Total cost	Average cost per witness
		Rs	as p
1892	40 261	21 863	7 1
1893	46 832	20 467	6 11

Six districts, namely, Lucknow City (16 5), Fyzabad (29 4), Lucknow (29 7), Partabgarh (33 1), Hardoi (35 1), Unao (37 4), show a low percentage of witnesses dieted The percentages for the remaining districts range from 68 4 in Kheri down to 50 5 in Sitapur In the North-Western Provinces in 1892 the percentage of witnesses who were dieted was only 24 4

117 Upon receipt of G O No $\frac{2949}{VI\ 276C}$, dated 25th October 1893, reviewing the report on the administration of criminal justice in Oudh, for the year 1892, the Deputy Commissioner of Bara Banki was asked to explain the causes which led to the payment of eight annas six pies, on the average, to 69 per cent of witnesses examined in his district during 1892

He replied that the Magistrates who had ordered the payments had, for the most part, left the district; that the registers had been examined and the court munshis questioned as to the practice that prevailed in the matter, and that from the information thus obtained it did not appear that any irregularities in principle had occurred. A positive and constant cause of the high average under notice is the situation of the head-quarters of the district, only six miles from the western boundary, while it is 36 miles from the northern, 45 miles from the eastern and 30 miles from the southern boundaries.

118. In reviewing the Report for last year, Government remarked that it was not known why the expenditure in Oudh should be so much more in proportion than in the North-Western Provinces. The cause of the excess is mainly attributable to the different rules for payment of witnesses prevailing in Oudh, and in the North-Western Provinces. In Oudh every witness may be allowed a day's allowance for every 12 miles he has to travel, whereas in the North-Western Provinces there is no fixed rule laid down by the High Court, though it is understood that the custom of paying one day's diet allowance for every 20 miles travelled obtains in many districts.

The rules in force in Oudh were sanctioned by His Excellency the Governor-General in Council.

119. The Deputy Commissioner of Fyzabad writes:—"The Government has "noticed that more witnesses are paid in Oudh than in the North-Western Provinces "in Magistrates' Courts, and that the average per witness is greater. The number of "witnesses paid in this district is not excessive compared with the North-Western Provinces' standard. The average amount paid to each witness is larger in Oudh than "in the North-Western Provinces for two reasons, (*a*) in Oudh diet money of two annas "a day is given for each 6 miles of distance of the witness's home from the Court, and "in the North-Western Provinces the distance qualifying for one day's diet is greater. * * * * The second reason is that in Oudh the area per tahsíl is more than double that "in the North-Western Provinces. This reason also applies to cases of payment made "during the tour season by a sub-divisional officer when on tour in the tahsíls."

120. The Deputy Commissioner of Gonda remarks:—"Witnesses have to travel "long distances to Court in this district and they are certainly not overpaid."

121. The work of weeding, re-arranging and destroying criminal records has been completed down to 1892 in Kheri and Bara Banki, down to 1891 in Lucknow, Sitapur, Hardoi and Fyzabad, down to 1890 in Partabgarh, and down to 1889 in the remaining districts.

122 In paragraph 8 of G. O. No. 2949, already referred to, the Government suggested that a thorough examination by the Judicial Commissioner, on the spot, of the work of the Criminal Courts of a district, would be most advantageous and should be made annually. In connection with this suggestion, Dr. Howell left the following note before proceeding on furlough last March:—"It is not quite clear whether every "district was to be annually inspected, or only one district in a year. A thorough "examination of the Criminal Courts in every district of the Province would take "several months. Such an examination of the Courts of one district, not only at "head-quarters, but at every tahsíl, would take some weeks. With more than one "thousand cases (civil and criminal) in arrears, I do not see how time is to be found "for such work. The circumstances of the Central Provinces are probably widely "different from those in Oudh. In the North-Western Provinces, the High Court "has been obliged, by want of time, to abandon the inspections instituted some years "ago. The utmost that can be done, and that at some sacrifice of time, and consequent increase of arrears, is for the Judicial Commissioner to make flying visits to "places accessible by rail. In that way, I visited in February 1894, Fyzabad and "Hardoi, and should have visited Sitapur, but for the inability of the Deputy Commissioner to be at head-quarters with his subordinates on the day fixed. My

" method was to confer with the Judge and Deputy Commissioner, to converse with " each of the subordinate Magistrates separately, and to sit in the different Courts, and " watch the *modus operandi*. I found that the prescribed form of affirmation was adminis- " tered in only one of the Courts visited by me. The Magistrates all work at a great " disadvantage in that they have no prosecutor to assist them in examining and " re-examining witnesses for the prosecution, cross-examining witnesses for the defence, " arguing points of law raised for the accused and generally in the conduct of the " prosecution. In most Courts the police officer on duty is only a constable. At " Fyzabad, the Deputy Commissioner, Mr. Hamblin has managed to post a Head " Constable in each Court. The Court-Inspector cannot prosecute in each Court. It " is believed that the Police Commission recommended that Sub-Inspectors should " be trained for this work; but nothing seems yet to have come of the recommendation; " and there may be financial difficulties in the way of posting a Sub-Inspector in every " Magistrate's Court. I suggest that a Head Constable should be posted in each " Court to prosecute, and that the rank to be prescribed by the Local Government on " this behalf, with the previous sanction of the Governor-General in Council, under " section 495, Criminal Procedure Code, should be a Head Constable, and not Sub-In- " spector as at present. The Head Constable could then be permitted by the Magis- " trates, under the section, to conduct the prosecution.

" 123. The Magistrates whom I saw differed, of course, in their methods; but none " of them seemed to be bearing the provisions of the law of evidence clearly in mind. " Leading questions and hearsay were common, and undefended prisoners had very " little law given them. It is not sufficient to invite an ignorant man to cross-ex- " amine, which of course he cannot do. The Magistrate should point out to him how " the evidence of each witness affects him, and ascertain his explanation of the facts " deposed to, and his way of accounting for the witness's giving evidence against " him, and should then put the questions to the witness, which the accused person, " if sufficiently instructed, would be likely on the case stated by him, to put."

COURTS OF SESSION.

IMPERIAL RETURN No. IV. Sessions Courts.

124. The following comparative statement shews the number of cases and persons before the Sessions Courts in the years 1892 and 1893 :—

Sessions Courts.	Disposed of in—				Pending at the close of				Average duration in days of each case from date of commitment.	
	1892.		1893.		1892.		1893.			
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	1892.	1893.
Lucknow	76	131	134	239	45	80	9	17	80·47	97·59
Sitapur	44	63	52	87	13	23	14	20	53·50	80·86
Hardoi	56	116	63	116	8	11	10	21	62·89	40·17
Fyzabad	40	83	24	57	6	17	8	20	30·8	31·5
Gonda	57	85	89	171	10	16	6	44	45·89	61·48
Rae Bareli	59	85	93	164	24	51	33	46	53·05	84·92

125. Sessions Judges disposed of 326 cases involving 485 persons, being 6 cases and 77 persons less than in 1892; there were only 80 cases left pending at the close of the year, or 26 less than at the close of 1892.

126. The average number was 74 days against 62 in 1892, and 43 in the North-Western Provinces, in 1892. The cause of the increase in the average duration in the Sessions Divisions of Lucknow and Rae Bareli is explained as follows :—The Sessions Judge of Rae Bareli writes :—" Of the 33 cases involving 46 persons that were left " pending on the 31st December 1893, two cases are of Narain and Kasim, lunatics, * * * * * * * The remaining 31 cases were committed " as follows :—Rae Bareli 4, Sultánpur 4, Partábgarh 23. The date of the oldest case

"of these is 10th June 1893 and belongs to Partábgarh. With the exception of 2 lunatic "cases, all the pending cases have been disposed of in January this month. The cases of "Queen-Empress *versus* Jagdat Singh and 22 others lasted for a month. All the cases "fixed for January Sessions in 1893 to be postponed to April Sessions, and those com- "mitted in the meantime had to be fixed for July Sessions and the cases fixed for one "Sessions had to be postponed to the other. The intimation of transfer of my prede- "cessor, while holding Sessions at Partábgarh, also greatly interfered with the disposal "of these cases. The case, in which the accused remained in custody 205 days, was com- "mitted on 10th June 1893. Though received in time for the July Sessions, it could not "be fixed for that Sessions as the cause list was already full, cases postponed from April "Sessions having been fixed up to 5th August 1893, and the Judge had to return to "head-quarters to take up Rae Bareli Sessions which began from the 7th idem. The "case was therefore fixed for the October Sessions, but before my predecessor could take "it up he received news of his transfer and returned to head-quarters without dispos- "ing of the case. It has been decided in January last."

The Sessions Judge, Lucknow, remarks:—"The cause of the long duration was "the comparatively large number of old cases pending from the end of 1892, there "having been a great accumulation of arrears when I took over charge in October of "that year."

127. In order to relieve the Sessions Judge of Rae Bareli, the district of Sultánpur has, in the course of the current year, been placed under the jurisdiction of the Sessions Judge of Fyzabad (see Government Notification No. $\frac{2849}{\text{VI.-195}-915}$, dated 19th May 1894).

128. The lowest average duration 25·41 days is in the Court of the Sessions Judge, Fyzabad.

The percentage of convictions was 58 against 51 of the previous year, and 62 in the North-Western Provinces in 1892. The highest percentage was obtained by the following districts:—Sultánpur 85, Kheri 71 and Lucknow City 67, and the lowest by Sitapur 41 and Lucknow 45.

129. All acquittals, like all convictions, by Sessions Judges, are carefully scrutinized by the Judicial Commissioner or the Additional Judicial Commissioner in their examination of the monthly Sessions statements; and the Local Government has power to appeal against acquittals under section 417, Criminal Procedure Code. The number of acquittals in the Courts of Session can only be ascribed to the poverty of the evidence laid before the Courts by the Public Prosecutor, a shortcoming for which the police are primarily responsible. The Judicial Commissioner and the Additional Judicial Commissioner sent for the records of the acquittals mentioned in paragraph 3 of G. O. No. 2949, dated 25th October 1893, and examined a large number of them; but could see nothing wrong on the face of them.

130. Sessions Judges in the North-Western Provinces try section 75 cases, in which convictions are naturally more numerous, than in cases of first offences. But in Oudh these section 75 cases are in great measure disposed of by the Deputy Commissioners; naturally therefore percentages of convictions in Sessions Courts are lower in Oudh than in the North-Western Provinces.

IMPERIAL RETURN No. V. Punishments.

131. The sentences passed by Sessions Judges during the years 1892 and 1893 are shewn below:—

	1892.	1893.
Death	20	40
Transportation	57	75
Rigorous imprisonment	207	400
Simple ditto	11	8
Fine	17	16
Whipping	4	9

The total amount of fines imposed by Sessions Judges was Rs. 1,435 of which Rs. 872, or 56 per cent., were realised and Rs. 105 were paid as compensation to injured persons. In 1892, fines imposed amounted to Rs. 560 of which Rs. 160, or 28 per cent., were realised and Rs. 120 were paid as compensation to injured parties.

IMPERIAL RETURN No. XIII. Trial by jury and with Assessors.

132. There were 46 trials by jury in the Lucknow Sessions Court as against 33 in 1892. The Judge approved of the verdict of the jury in 45 of these cases, and in one case he made a reference under section 307 of the Criminal Procedure Code to the Judicial Commissioner, who sentenced the accused to 3 years rigorous imprisonment. Cases tried by Sessions Judges with the aid of Assessors numbered 401 as against 276 cases in 1892. The Judges agreed with Assessors in their findings in 304 cases or 77 per cent.

Witnesses examined.

133. During the year under report, 5,642 witnesses (of whom 5,561 were examined) attended Sessions Courts. Of these 5,561, 4,592 or 81 per cent. (or 11 per cent. more than in the North-Western Provinces) received their expenses. The amount of diet money paid to witnesses was Rs. 4,331-13-3, or an average of Re. 0-15-1 per witness. Travelling allowances to Government officials, who attended as witnesses, amounted to Rs. 3,216-13-10. Of the 5,642 witnesses who attended, 3,079, or 54 per cent., (against 62 per cent. in the North-Western Provinces in 1892) were discharged on the first day. The largest number of witnesses detained over the third day was in Lucknow (368), Rae Bareli (100) and Hardoi (97).

IMPERIAL RETURN No. VI. Appeals.

134. The appeals of 4,349 persons came before Sessions Judges, being 684 more than in 1892. Appeals were rejected or the sentences of Lower Courts were confirmed in the cases of 3,135 persons or 72 per cent. (against 68 per cent. in 1892). The sentences passed on 311 persons were reduced, and those passed on 623 persons were reversed. Proceedings were quashed in the cases of 5 persons and in the cases of 14 persons new trial or further enquiry was ordered. The appeals of 260 persons remained pending at the close of the year.

The average duration of each appeal, 29·76 days, was slightly lower than in 1892. It compares unfavourably with the average duration in the North-Western Provinces in 1892 (19 days). The highest average was 46·55 days in Lucknow and the lowest was 7·54 in Hardoi.

135. Appellate work was heavy and light in the following divisions, respectively :—

Heavy.		Light.	
Gonda	972	Hardoi	653
Sitapur	850	Fyzabad	352

The percentage of persons who appealed from appealable orders was 19 against 59 in the North-Western Provinces in 1892. Of these persons, as many as 72 per cent. were unsuccessful. The percentage of unsuccessful appeals in the North-Western Provinces in 1892 was 70.

136. In the following tables, the districts from which appellants were most and least numerous and those from which appellants were most and least successful are shown :—

Districts from which appellants were most and least numerous.

Most.		Least.	
	Percentage.		Percentage.
Gonda	13	Unao	5
Sitapur	11	Lucknow	4
Bara Banki	10	Lucknow City	3

Districts from which appellants were most and least successful.

Most.		Least.	
	Percentage.		Percentage.
Hardoi	36	Lucknow } Kheri }	16
Unao	35	Lucknow City	13
Sultánpur } Partábgarh }	30	Sitapur	9

137. There was a considerable increase during the year under report in the number of applications for revision made to Sessions Judges. Applications were filed by 831 persons concerning 1,118 persons, while in 1892, 653 persons presented applications affecting 835 persons. With regard to 910 persons, or 81 per cent. (against 76 per cent. in 1892) applications were rejected, or sentences were confirmed. Two sentences were enhanced, two were reversed and proceedings in one case were quashed. New trial or further enquiry was ordered in the cases of 80 persons, and the cases of 67 persons were referred to the Court of the Judicial Commissioner. Only 56 applications remained pending at the close of the year. The Sessions Judge of Hardoi called up *suo motu* for inspection three cases, one of which he referred to the Judicial Commissioner for enhancement of the sentence passed.

Revision.

138. The average duration was 43 days against 27 days in the previous year; and against 24 days in the North-Western Provinces in 1892.

COURT OF JUDICIAL COMMISSIONER.

139. The work of the Court of the Judicial Commissioner shows an increase, 978 persons being dealt with against 782 in the previous year:—

	1893.	1892.
Reports for confirmation of capital sentence	43	19
Appeals	463	390
Applications for revision by parties	275	126
References by Sessions Judges and Deputy Commissioners ...	144	185
Cases called for *suo motu* by the Judicial Commissioner ...	53	62
	978	782

140. The Judicial Commissioner and Additional Judicial Commissioner sitting together, under section 8 of the Oudh Courts Act 1891, confirmed the sentence of death in 28 cases in respect of 31 persons. In six cases the sentences passed upon seven persons were modified to imprisonment for life. Five persons were acquitted.

141. There was an increase in the appellate work: the number of appeals disposed of rose from 390 to 463. The average duration was 25 days. Twelve appeals preferred by Government under section 417, Criminal Procedure Code, were decided; in six the order of the Lower Court was confirmed and in six it was reversed.

The percentage of appeals affirmed to appeals disposed of was 88.

The largest number of appeals was received from Sitapur (111) and Kheri 53, and the fewest from Fyzabad (18) and Sultánpur (14).

142. Applications for revision also increased, the number disposed of rising from 126 to 275. The average duration was 23 days, and the percentage of unsuccessful applicants was 86.

The largest number of applications was received from the districts of Bara Banki (44) and Lucknow (43): and the fewest from those of Bahraich (13), Lucknow City and Kheri, (each 9).

143. Cases referred by Sessions Judges and Deputy Commissioners decreased from 185 to 144.

144. The number of cases called for of their own motion by the Judicial Commissioner and Additional Judicial Commissioner was 53.

145. *General remarks.*—The year was characterized by an increase of 7 per cent. in the number of offences reported. This increase was mainly under "Theft," "Criminal trespass," "Mischief," "Offences relating to marriage," "Robbery and Dakáiti," "Offences against the public tranquillity," and "Offences under the Criminal Procedure Code, and against Special and Local Laws." The increase under "Robbery and dakáiti" was mainly in the districts of Kheri, Sitapur and Bahraich, in the neighbourhood of which two gangs of dakáits were at work during the year. The

percentage of convictions in these serious offences decreased, I regret to state, from 54 to 44. The increase under "Offences against the public tranquillity" was marked in the districts of Bara Banki and Rae Bareli (here also there was a decrease in the percentage of convictions from 57 to 53); and that under "Hurt" and "Theft" was general to nine districts.

The percentage of cases "struck off and dismissed" was much the same as in the previous year (28 per cent.), and compares favourably with the North-Western Provinces percentage of 1892 (21 per cent.). The provisions of section 560 were more freely worked, and in the working of this section, Oudh compares favourably with the North-Western Provinces.

The number of cases before the courts for trial rose from 35,357 to 38,201, the increase being mainly in Partábgarh, Rae Bareli, Sitapur, Gonda and Hardoi.

The number of persons under trial increased from 67,002 to 72,571. Of these 72,571 persons, 1,191 (or 194 less than in the previous year) remained under trial at the close of the year. Honorary Magistrates continue to dispose of a considerable share of the criminal work (sitting singly, 7 per cent., Benches 12 per cent.). The percentage of disposal by Local and Subordinate paid Magistrates increased from 25 to 29; and more original cases were tried by Deputy Commissioners, both under their ordinary powers and under section 30.

The percentage of convictions was 2 per cent. lower than that of the previous year (43 against 45), and compares unfavourably with that of the North-Western Provinces (50 per cent.). The fall in the percentage is probably due to the increase in the number of petty cases, and to the greater number of cases tried by Magistrates with second and third class powers. The low percentage of convictions compared with that obtained in the North-Western Provinces is probably owing to the proportionately larger number of petty offences which come before the Oudh Courts for disposal.

The average duration of each case was almost the same as in the previous year (seven-and-a-half days). There was a satisfactory increase of 85 in the number of cases referred to Deputy Commissioners for enhanced punishment. The number is, however, still low.

Sentences of imprisonment show a slightly lower percentage to the total punishments awarded. Compared, however, with the North-Western Provinces in 1892, the percentage of sentences of imprisonment above six months is higher in Oudh; (31 per cent. against 28 per cent. in the North-Western Provinces). Of the sentences of rigorous imprisonment, as many as 19 per cent. included sentences of solitary confinement. Sentences of solitary confinement appear to be awarded to a greater extent in Oudh than in the North-Western Provinces.

The Whipping Act was more freely resorted to: the percentage of whipping rising from 20 to 23, and comparing favourably with the North-Western Provinces percentage of 16·51 (1892).

The percentage of fines realized was good (83 per cent.): and the percentage of compensation awarded to complainants was proportionately higher than in the North-Western Provinces (13 per cent. against 6 per cent.).

The appellate work of Deputy Commissioners was slightly less than in the previous year. The average duration of each appeal was 10 days, as against 8½ in 1892, and 11 in the North-Western Provinces. Fewer persons seem to appeal in Oudh than in the North-Western Provinces; the percentage of persons appealing from appealable orders being 7 as against 12 in the North-Western Provinces. Of the persons who appealed 62 per cent. were altogether unsuccessful. The number of applicants for revision also declined; 78 per cent. of the applicants were unsuccessful; and the average duration was 13 days as against 11 days in the North-Western Provinces.

Of the 104,899 witnesses, who attended the Courts, the large number of 44 per cent. received diet money (5 per cent. less than in 1892, and 20 per cent. more than in the North-Western Provinces).

Courts of Session.—Sessions Judges disposed of 326 cases or six cases less than in 1892. There were 80 cases pending at the close of the year,—a satisfactory decrease of 26 from the number pending at the close of 1892. The average duration was high, *viz.*, 74 days. Last year the average duration was 62 days, and in the North-Western Provinces it was 43 days. The percentage of convictions, on the other hand, improved from 51 to 58. This percentage is still lower than that obtained in the North-Western Provinces in 1892 (62 per cent.). For the reason given in paragraph 130 of this report, the percentage in Oudh will generally be lower than in the North-Western Provinces.

The appellate work was heavier than the previous year. The percentage of unsuccessful appeals rose from 68 to 72. The average duration of each appeal (30 days) was on the other hand slightly lower; but was much higher than that obtaining in the North-Western Provinces in 1892 (19 days). As in the case of appeals to District Magistrates, the percentage of persons, who appealed from appealable orders, was much lower than in the North-Western Provinces (19 against 59).

The number of applications for revision also increased. Of the applicants 81 per cent. (as against 76 per cent. in 1892) were unsuccessful. The average duration rose from 27 days to 43 days, and was much higher than in the North-Western Provinces (24 days).

146. Mr. M. S. Howell, LL.D., C.I.E., held the office of Judicial Commissioner, and Mr. G. T. Spankie, Barrister-at-Law, held the office of Additional Judicial Commissioner throughout the year.

I have the honor to be,

SIR,

Your most obedient servant,

J. DEAS,

Offg. Judicial Commissioner.

IMPERIAL RETURN No. I—(Civil and Criminal).

Showing the number of Judicial Divisions and the number of officers exercising original or appellate jurisdiction in the Province of Oudh, on the last day of the year 1893, with the cost of tribunals.

Name of Province.	Area.	Population.	Number of divisions for Courts under chief Court, but superior to chief Court of district.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction: Judges of chief Court of Province.	Judges of other Courts superior to chief District Courts.	Judges of chief Courts of districts.	Judges of District Courts other than chief Courts.	Judges of other subordinate Courts.	Total number of cases decided: Original. Regular.	Original. Miscellaneous.	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Court.	Total charges of the Court.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Territory subject to the Judicial Commissioner of Oudh. Criminal	23,992 square miles.	11,407,626	6 divisions.	12 districts.		2	6	12	...	251	38,608	2,813	5,414	1,296	Rs. 9,48,333	Rs. 13,61,201
Charges incurred by the Public Works Department on account of buildings.						...	...	...	...	...	...	...	...	...	...	16,043
Total ...	...	...	...	...	...	2	6	12	...	251	38,608	2,813	5,414	1,296	9,48,333	13,77,244

Remarks. Grades of Judicial Officers.		Europeans.	Natives.
18			
Officers exercising both original and appellate jurisdiction.	Judicial Commrs.	2	...
	Districts & Sessions Judges.	5	1
	Deputy Commissioners.	...	12
Officers exercising original jurisdiction only.	Assistant Commissioners.	15	1
	Deputy Collectors.	4	60
	City and Cantonment Magistrates.	3	...
	Tahsíldárs ...	...	43
	Honorary Assistant Commissioners.	8	120

For Home and Agricutural Department.

	Europeans.	*Natives.*
Judicial Commissioners	2	...
Deputy Commissioners	12	...
Districts and Sessions Judges	5	2
Assistant Commissioners	15	1

	Europeans.	*Natives.*
Deputy Collectors	4	60
City Magistrates	1	...
Cantonment Magistrates	2	...
Tahsíldárs	...	43
Honorary Assistant Commissioners... ...	5	120

IMPERIAL RETURN No. II—(CRIMINAL).

Statement of offences reported and persons tried, convicted and acquitted of each class of offence in the Province of Oudh in the year 1893.

	Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons.					Remarks.
					Under trial during the year including pending from previous year.	Acquitted or discharged.	Convicted.	Died, escaped or transferred to another province.	Remaining under trial.	
1		2	3	4	5	6	7	8	9	10
	Offences against the State, Chapter VI, of the Indian Penal Code	...	...	...	...	...	...	...	...	
	Ditto relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	
	Ditto against the public tranquillity, Chapter VIII	657	396	427	2,680	1,174	1,372	4	130	
	Ditto by or relating to public servants, Chapter IX	70	44	46	56	26	29	...	1	
	Contempt of the lawful authority of public servants, Chapter X	669	580	590	1,063	432	596	6	29	
	False evidence and offences against public justice, Chapter XI	491	413	435	627	223	359	6	39	
	Offences relating to coin and Government stamps, Chapter XII	91	80	80	105	59	46	...	...	
	Ditto do. to weights and measures, Chapter XIII	34	34	34	43	19	23	...	1	
	Ditto affecting the public health, &c., Chapter XIV	300	255	255	487	129	357	...	1	
	Ditto relating to religion, Chapter XV	75	38	40	84	55	24	...	5	
Offences affecting the human body, Chapter XVI.	Offences affecting life	614	552	623	878	279	473	13	113	
	Causing of miscarriage, injury to unborn children, exposure of infants and the concealment of births.	62	46	55	65	17	45	...	3	
	Hurt &.	13,986	9,735	9,885	21,757	17,738	3,606	5	408	
	Wrongful restraint and wrongful confinement	317	133	135	286	248	33	...	5	
	Criminal force and assault	3,328	2,180	2,217	4,830	3,919	847	4	60	
	Kidnapping or forcible abduction, slavery, forced labour, and buying or selling a minor for the purpose of prostitution.	181	70	72	145	60	70	4	11	
	Rape	85	54	67	71	33	31	...	7	
	Unnatural offence	42	34	36	41	19	20	...	2	
Offences against property, Chapter XVII.	Theft	6,882	5,132	5,206	7,083	1,897	5,082	28	76	
	Extortion	213	64	66	116	90	25	...	1	
	Robbery and dakáti	338	170	178	548	249	218	29	52	
	Criminal misappropriation of property	122	66	66	89	39	50	...	...	
	Ditto breach of trust	364	208	213	263	144	110	2	7	
	Receiving stolen property	888	618	632	1,245	339	888	3	15	
	Cheating	318	133	136	202	156	39	1	6	
	Fraudulent deeds and disposition of property	6	2	2	2	1	1	...	...	
	Mischief	2,265	1,291	1,330	2,721	2,149	493	...	79	
	Criminal trespass	4,855	3,337	3,404	5,616	2,816	2,662	17	121	
	Offences relating to documents and to trade or property marks, Chapter XVIII	49	25	31	39	20	11	1	7	
	Criminal breach of contracts of service, Chapter XIX	10	4	4	4	3	1	...	...	
	Offences relating to marriage, Chapter XX	1,725	1,014	1,042	1,331	1,111	183	15	22	
	Defamation, Chapter XXI	446	193	193	350	279	56	1	14	
	Criminal intimidation, insult and annoyance, Chapter XXII	380	158	160	287	247	39	...	1	
	Offences under the Criminal Procedure Code and offences against Special and Local Laws ...	12,710	10,874	10,944	20,859	7,547	12,942	184	186	
	Total ...	52,573	38,172	38,854	78,973	41,517	* 30,731	323	1,402	

* Including 40 referred.

JUDICIAL STATEMENT

Showing the general result of the trial of European British subjects

Description of offences.	Number of persons accused and brought before a Magistrate.									Persons whose cases were disposed															
	Remaining at the close of the previous year.	Within the year.					Total.	Died, escaped or transferred to other provinces.	Number actually brought to trial	By District Magistrates and other 1st Class Magistrates.						By Courts of Sessions.				By High Court.			
		On complaint section 191 (a) Criminal Procedure Code	On police report, section 191 (b), Criminal Procedure Code	By Magistrate, *suo motu*, section 191 (c) of the Code	On transfer from other provinces.					Received by transfer under section 451 of the Code.	Convicted.	Acquitted or discharged.	Committed. To Courts of Sessions.	Committed. To High Court	Transferred by order under section 471 of the Code.	Total, omitting entries in columns 10 and 15.	Received by transfer under section 451 of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 499 of the Code.	Total exclusive of column 17.	Convicted	Acquitted or discharged.	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Resistance to the taking of property by the lawful authority of a public servant, section 183, Indian Penal Code.	...	...	...	1	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...
Punishment for culpable homicide not amounting to murder, section 304, Indian Penal Code.	...	...	1	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	.	...
Punishment for voluntarily causing hurt, section 323, Indian Penal Code.	.	1	...	.	..	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...
Punishment for voluntarily causing grievous hurt, section 325, Indian Penal Code.	...	...	1	...	...	1	...	1	...	1	...	...	...	..	1	...	...	...	...	...	..	.	...
Punishment for using criminal force otherwise than of grave provocation, section 352, Indian Penal Code.	...	4	...	...	...	4	...	4	...	..	4	...	...	...	4	...	..	...	...	...	.	.	
Theft in dwelling-house, &c, section 380, Indian Penal Code.	...	...	1	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	..	.	.	...	...
Punishment for criminal breach of trust, section 406, Indian Penal Code.	...	2	...	.	...	2	...	2	..	1	1	..	.	...	2	...	...	.	...	...	...	...	...
Dishonestly receiving stolen property, section 411, Indian Penal Code.	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...		...	...	...	.	.	
Punishment for criminal intimidation, section 506, Indian Penal Code.		1	...	...	...	1	...	1	...	1	..	...	..	...	1	...	...	...	...	...	...	...	...
Section 34, Act V of 1861	...	...	2	...	...	2	..	2	...	1	1	...	..	...	2	...	..	...	...	...	.	...	..
Section 51, Act XXV of 1870 ...	...	...	1	...	...	1	...	1	...	1	...	..	.	.	1	...	.	...	...	...	...	...	..
Total ...	...	9	6	1	...	16	.	16	...	7	9	...	...	...	16	...	...	...	...	...	...	...	...

No IIA—(CRIMINAL)

in the Courts of the Provinces of Oudh, during the year 1893

of				Number of cases							SUBSIDIARY TABLE										
Total for all courts	Convicted	Acquitted or discharged	Total	Number of persons under trial	Brought to trial	Disposed of	Pending	Number of persons who applied to the High Court from order under section 526 of the Code.	Of those entered in column 5 number who applied under section 21 Act III of 1864 for transfer or commital of their cases	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases	35						%				
											Of the total number of persons shewn in						Of cases shown in column 30				
											Column 16			Column 17		Columns 21 and 22		Disposed of by Magistrates		Disposed of by Sessions Judges	
											Number who claimed to be tried by a mixed jury section 451A (1) of the Code	Number who did not so claim	Number of those in column 35 (1) whose cases were transferred under section 451 of the Code.	Number who claimed a mixed number of assessors, section 451 (2) of the Code	Number who did not so claim	Number who claimed to be tried by a mixed jury section 451 (1) of the Code	Number who did not so claim	Being European British subjects	Other than European British subjects.	Being European British subjects.	Other than European British subjects
25	26	27	28	29	30	31	32	33	34		1	2	3	4	5	6	7	8	9	10	11
	1	1		1	1																
1		1		1	1																
	1	1		1	1																
1		1		1	1																
	4	4		3	3																
1		1		1	1																
1	1	2		2	2																
	1	1		1	1													15			
1		1		1	1																
1	1	2		2	2																
1		1		1	1																
7	9	16		15	15																

IMPERIAL RETURN NO. III—(CRIMINAL).

Statement of miscellaneous proceedings under the Code of Criminal Procedure in the Province of Oudh, during the year 1893.

Nature of proceedings.	Total number of cases held before the courts during the year	Number of persons concerned.	Number of persons discharged	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1 Proceedings against witnesses under Chapter VI C, and section 485 of Chapter XXXV ...	1	3		3	
2. Proceedings under Chapter VIII to prevent breach of the peace	823	2,570	1,098	1,421	
3 Proceedings under Chapter VIII—security for good behaviour	451	547	125	403	
4 Proceedings against local nuisances, Chapter X	241	439	211	209	
5 Possession, Chapter XII	92	307	93	176	
6. Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 560	595	622	..	622	
7 Non-attendance of jurors or assessors—Chapter XXII, section 332	12	12	2	9	
8. Maintenance, Chapter XXXVI	770	777	553	211	
9 Forfeiture of bail or recognizance under Chapter XLII	79	114	41	72	
Total	3,064	5,391	2,123	3,126	

IMPERIAL RETURN NO IV—(CRIMINAL)

Statement showing the general result of criminal trials in the tribunals of various classes in the Province of Oudh, in the year 1883

Classes of Courts	Total number of persons under trial	Died, escaped or transferred to another province	Persons whose cases were disposed of				Persons remaining under trial at the end of the year	Number of cases disposed of during the year	Average number of days during which each case lasted	Number of witnesses examined	Remarks
			Discharged or acquitted	Convicted		Committed or referred					
				On regular trial	On summary trial						
1	2	3	4	5	6	7	8	9	10	11	12
Unpaid Magistrates sitting singly	5 193	1	3 346	1,739	9	...	98	2,553	5 88	5,788	
Bench of Magistrates ..	8,930	6	3,337	3,787	1 735		65	5 133	3 15	4,043	
Local and subordinate paid Magistrates	21,995	12	15,664	6,050			269	10 198	7 21	18 253	
Full power Magistrates of general jurisdiction } Natives	28,120	282	14,195	11 359	1,017	649	618	15,118	8 87	58,217	
Full power Magistrates of general jurisdiction } Europeans ..	7,649	11	4,176	2,293	911	128	130	4,141	8 33	12 853	
Chief Magistrates of districts	1 370	6	332	707	301	16	8	568	6 97	1,965	
Deputy Commissioners under section 30, Act X, 1882	464		133	298	..	40	3	270	9 8	2 196	
Total of Magistracy	73 721	318	41 173	26,233	3 973	833	1,191	37 981	7 58	1,03,315	
Sessions Judges	1 002	5	344	485			168	455	74 53	5 561	

IMPERIAL RETURN No. V—(CRIMINAL).

Showing the punishments inflicted by the various criminal tribunals in the Province of Oudh, in the year 1893.

Classes of Courts.	Persons sentenced to								Persons ordered to find or give security or recognizance to keep the peace or securities for good behaviour.	Persons imprisoned in default of security for good behaviour.	Detail of punishment.																				Number of boys whose sentences were commuted to detention in a reformatory school.
				Imprisonment.							Fine.								Imprisonment.					Whipping.							
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.			Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	15 days and under.	6 months and under.	2 years and under.	7 years and under.	Above 7 years.	10 stripes.	20 stripes.	30 stripes.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29					
																	Rs. a. p.	Rs. a. p.	Rs. a. p.														
Honorary Magistrates, sitting singly.	...	...	...	359	26	...	1,373	86	10	4	1,283	89	...	1	...	...	5,049 11 0	4,445 2 4	791 4 3	115	245	21	...	...	33	42	7	...					
Bench Magistrates ...	...	...	...	111	8	...	5,446	...	...	...	5,409	37	...	...	...	...	5,221 11 6	4,933 4 11	305 2 1	57	62	...	...	...	...	...	...	...					
Stipendiary Magistrates, sitting singly.	...	...	...	7,856	346	...	12,131	1,535	1,720	239	10,316	1,700	88	22	3	...	93,750 9 6	77,781 14 5	12,073 2 2	1,681	4,539	1,976	6	...	669	681	185	3					
District Courts—Cases decided under section 30, C. P. C.	...	4	...	295	...	...	48	38	...	...	20	23	5	...	...	...	1,663 0 0	839 10 0	201 10 0	...	17	56	222	...	4	14	21	1					
Chief Magistrates of districts.	...	...	...	259	21	...	278	378	81	71	211	58	7	5	...	...	3,184 1 0	2,889 1 8	1,016 0 0	42	156	82	...	...	227	142	9	2					
Total ...	...	4	...	8,886	401	...	19,276	2,040	1,811	314	17,241	1,907	10	28	3	...	1,08,869 1 0	90,889 1 4	14,387 3 9	1,895	5,023	2,135	228	...	933	885	222	6					
Courts of Sessions Judges.	45	75	...	400	8	...	16	9	...	...	1	10	3	2	...	...	1,435 0 0	812 4 3	105 4 3	3	43	100	235	27	1	1	7	1					

IMPERIAL RETURN No. VA—(CRIMINAL).

PART I.

Showing whippings inflicted under sections 2 and 3, Act VI, 1864, in lieu of other punishments.

Offences for which awarded.	Number of stripes awarded.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15		16 to 20.		21 to 25		26 to 30.			
	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.	1st conviction.	2nd or subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
IN LIEU OF OTHER PUNISHMENTS.														
(SECTIONS 2 AND 3, ACT VI, 1864).														
1. Theft as defined in Sec. 376, I. P. C.	...	...	...	...	...	...	...	...	...	...	...	...	...	
„ 377 „	...	...	...	...	...	...	...	...	...	...	...	...	...	
„ 378 „	126	2	351	6	212	4	115	3	21	5	22	9	867	
„ 380 „	27	1	106	...	77	1	56	2	18	...	21	1	310	
„ 381 „	3	...	9	...	17	1	11	3	2	1	...	1	48	
„ 382 „	...	...	...	...	...	...	...	...	...	...	...	...	...	
2. Extortion as defined in „ 383 „	...	...	...	...	...	...	...	...	...	...	...	...	...	
„ 389 „	...	...	...	...	...	...	...	...	...	...	...	...	...	
3. Punishment for robbery „ 392 „	...	...	...	...	...	...	...	...	...	...	...	...	...	
4. Dishonest misappropriation of property as defined in „ 403 „	...	...	...	...	...	...	...	...	...	...	...	...	...	
5. Criminal breach of trust as defined in „ 406 „	...	...	...	...	...	...	...	...	...	...	...	...	...	
6. Dishonestly receiving stolen property as defined in „ 411 „	8	1	50	2	69	2	50	...	5	...	8	...	194	
„ 412 „	...	...	...	...	...	...	1	...	...	...	...	...	1	
7. Lurking house-trespass as defined in „ 443 „	...	...	11	...	10	...	10	...	...	...	1	...	35	
8. Lurking house-trespass by night as defined in „ 444 „	1	...	2	...	16	...	7	...	4	...	0	...	30	
„ 445 „	...	...	...	...	...	...	...	...	...	...	...	...	...	
9. House-breaking as defined in „ 445 „	2	...	2	...	22	1	7	2	0	...	19	2	84	
10. House-breaking by night as defined in „ 446 „	8	...	6	2	51	0	30	...	4	2	8	...	185	
Lurking-house-trespass as defined in „ 448 „	...	...	...	...	...	...	...	...	...	...	...	...	...	
House-breaking as defined in „ 456 „	...	...	...	...	...	...	...	...	...	...	...	...	...	
Offences under section 457, Indian Penal Code	...	...	...	...	...	...	...	...	...	...	...	...	...	
Ditto do. 49, Act XXVI, 1870	...	...	1	...	...	...	...	...	...	...	...	...	1	
Ditto do. Act XXVII, 1871, section 19	5	...	...	...	...	...	...	...	...	...	...	...	5	
Ditto do. Act III, 1880, sections 14 and 325	...	...	...	...	...	...	...	...	...	...	...	...	...	
Ditto section 193, Indian Penal Code	2	...	...	...	...	...	...	...	...	...	...	...	2	
Ditto section 126, Act IX of 1890	...	...	...	...	...	...	...	...	...	...	...	...	...	
Ditto section 324, Indian Penal Code	...	...	1	...	...	...	...	...	...	...	...	...	1	
Ditto section 350, ditto	...	...	...	...	...	...	1	...	...	...	...	...	1	
Theft as defined in section 379, Indian Penal Code	...	...	...	...	...	...	...	...	...	...	...	...	...	
Offences under section 392, Indian Penal Code	...	...	...	...	...	...	1	...	...	...	...	...	1	
House-breaking by night as defined in sections 454 and 457, Indian Penal Code	...	...	...	...	...	...	...	...	...	...	...	...	...	
Offences under section 494, Indian Penal Code	...	...	...	...	1	...	...	...	...	...	...	...	1	
Ditto section 25, Act VII, 1878	...	...	1	...	...	...	...	...	...	...	...	...	1	
Total	182	4	622	10	474	15	301	10	60	8	85	6	1,776	

IMPERIAL RETURN No. VA—(CRIMINAL).

PART II.

Showing whippings inflicted in addition to other punishments, sections 3 and 4, Act VI, 1864.

Offences for which awarded.	Number of stripes. 5 and under	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks.
1	2	3	4	5	6	7	8	9
IN ADDITION TO OTHER PUNISHMENTS.								
(SECTIONS 3 AND 4).								
A.—Section 3.								
1. Theft as defined in ... ... Sec. 378, I.P.C.	2	11	14	9	5	22	63	
„ 379 „ ...	...	...	...	...	...	...	...	
„ 380 „ ...	...	...	4	5	...	4	13	
„ 381 „ ...	...	...	1	...	...	1	2	
„ 382 „ ...	...	...	...	...	...	...	...	
2. Extortion as defined in ... ... „ 388 „ ...	...	...	...	...	...	...	...	
„ 389 „ ...	...	...	...	...	...	...	...	
3. Dishonestly receiving stolen property as defined in ... ... „ 411 „ ...	...	1	2	8	3	3	17	
„ 412 „ ...	...	...	1	...	...	...	1	
4. Lurking house-trespass as defined in ... „ 443 „ ...	...	...	...	1	2	...	3	
5. Lurking house-trespass by night as defined in „ 444 „ ...	...	...	3	4	...	2	9	
6. House-breaking as defined in ... ... „ 445 „ ...	1	...	1	2	...	7	11	
7. House-breaking by night as defined in ... „ 446 „ ...	1	2	5	10	1	7	26	
8. Offences under Section 14, Act III, 1860	...	...	...	...	...	...	...	
B.—Section 4.								
1. False evidence as defined in ... ... Sec. 193, I.P.C.	...	...	...	...	...	...	...	
„ 194 „ ...	...	...	...	...	...	...	...	
„ 195 „ ...	...	...	...	...	...	...	...	
2. False charge of unnatural offences defined in ... ... „ 211/377 „ ...	...	1	...	...	...	...	1	
3. Assault as defined in ... ... „ 354 „ ...	...	...	...	...	...	...	...	
4. Rape as defined in ... ... „ 375 „ ...	...	...	...	...	...	...	...	
5. Unnatural offences as defined in ... „ 377 „ ...	...	...	...	...	...	...	...	
6. Robbery as defined in ... ... „ 390 „ ...	...	...	1	1	...	1	3	
7. Dakáiti as defined in ... ... „ 391 „ ...	...	...	...	...	...	...	...	
8. Attempt at robbery as defined in ... „ 393 „ ...	...	...	...	...	...	...	...	
9. Hurt in committing robbery as defined in „ 394 „ ...	...	...	...	...	...	...	...	
10. Receiving stolen property as defined in ... „ 412 „ ...	...	...	...	...	...	...	...	
11. Forgery as defined in ... ... „ 463 „ ...	...	...	...	...	...	...	...	
„ 466 „ ...	...	...	...	...	...	...	...	
„ 467 „ ...	...	...	...	...	...	...	...	
„ 468 „ ...	...	...	...	...	...	...	...	
„ 469 „ ...	...	...	...	...	...	...	...	
12. Lurking house-trespass as defined in ... „ 443 „ ...	...	...	...	...	...	...	...	
13. Lurking house-trespass by night as defined in „ 444 „ ...	...	...	...	...	...	...	...	
14. Lurking house-trespass as defined in ... „ 454 „ ...	...	...	...	...	...	...	...	
15 House-breaking by night as defined in ... „ 446 „ ...	...	...	...	...	...	...	...	
Offences under section 49, Act XXVII, 1870	...	...	...	...	...	...	...	
Offences under section 19, Act XXVII, 1871	26	47	3	...	...	20	96	
House-breaking by night as defined in section 457, I.P.C. ...	...	...	...	...	...	...	...	
Total ...	30	62	35	40	11	67	245	

IMPERIAL RETURN No. V—(CRIMINAL).

PART III.

Showing whippings inflicted under section 5, Act VI, 1864, on juveniles for offences other than those specified in Parts I and II.

Offences.	Stripes.													
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	1st conviction.	Subsequent conviction.	Total.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
False evidence ... Section 193, Indian Penal Code ...	2	...	...	...	...	...	...	...	...	...	...	...	2	
Danger or obstruction in a public way or navigation „ 283 „ ...	2	...	...	...	...	...	...	...	...	...	...	...	2	
Voluntarily causing hurt by dangerous weapons or means „ 324 „ ...	1	...	...	...	1	...	...	...	...	...	...	...	2	
Voluntarily causing grievous hurt „ 325 „ ...	...	...	...	...	1	...	...	...	...	...	...	...	1	
Rape ... ... „ 376 ...	...	...	...	...	...	...	...	...	...	...	1	...	1	
Unnatural offence ... „ 377 „ ...	...	...	1	...	1	...	...	...	...	...	...	...	2	
Theft ... ... „ 379 „ ...	5	...	7	...	2	...	...	...	...	...	...	...	14	
Dishonestly receiving stolen property ... „ 411 „ ...	...	...	2	...	...	...	...	...	...	...	...	...	2	
Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment ... „ 457 „ ...	...	...	...	...	...	...	1	...	...	...	...	...	1	
Section 129, Act IX of 1890	...	...	1	...	...	...	...	...	...	...	...	...	1	
Total ...	10	...	11	...	5	...	1	...	...	...	1	...	28	

IMPERIAL RETURN No. VA—(CRIMINAL).

PART IV.

Showing relative number of times whipping was awarded as compared with other punishments.

Punishments.	Number.	Remarks.
1	2	3
(1) Total number of whippings awarded.	2,049	
(2) Total number of other punishments in cases in which whipping might have been awarded.	6,784	
(3) Total number of all punishments in cases in which whipping might have been awarded. (Total of headings 1 and 2)	8,833	
(4) Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3).	3·19	

IMPERIAL RETURN No. VI—(CRIMINAL).

Showing the result of appeals and revision in Criminal cases in the Province of Oudh, during the year 1893.

Tribunals.	Total number of appellants and applicants before the courts.	Number of persons—										Average number of days during which each appeal lasted.	Remarks.
		Died, escaped or transferred to another province.	Appeals or applications rejected.	Sentence or order confirmed.	Sentences enhanced.	Sentence reduced or otherwise altered.	Sentence reversed.	Proceedings quashed.	New trial or further enquiries ordered.	Referred for revision to the High Court.	Pending trial.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals.													
To Chief Magistrates of districts ...	1,469	4	92	814	...	157	367	1	21	...	13	10·07	
To Sessions Courts	4,349	1	1,122	2,013	...	311	623	5	14	...	260	29·76	
Superior Courts ... By persons convicted...	476	...	160	241	...	22	28	...	...	...	25	24·55	
Superior Courts ... By Government ...	14	...	...	6	...	...	6	...	...	...	2	63·42	
Total ...	6,308	5	1,374	3,074	...	490	1,024	6	35	...	300	25·62	
Revision.													
By Chief Magistrates of districts ...	89	1	495	195	...	1	10	8	140	23	9	13·00	338 applications by 343 complainants against 793 accused.
By Courts of Sessions	513	...	220	690	2	...	2	1	80	67	56	43·12	267 „ „ 318 „ „ 605 „
By Superior Courts	335	...	114	224	17	61	46	5	5	...	20	22·67	83 „ „ 90 „ „ 157 „
Total ...	937	1	829	1,109	19	62	58	14	225	90	85	35·16	688 „ „ 751 „ „ 1,555 „

IMPERIAL RETURN No. XIII—(CRIMINAL).

Statement showing the use of Jurors and Assessors in the Criminal Courts in the Province of Oudh, for the year 1893.

Classes of Courts in which Assessors are employed distinguishing Criminal from Civil Courts.	Established or average number of Jurors or assessors in each case and prescribed qualification.	Number of cases tried by jury.	Number of cases with assessors.	Jury trials.					Assessors' trials.			Remarks.
				Cases in which the Judge approved of the verdict.	Cases in which Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved.		Number of cases in which Judges agreed with assessors.	Number of cases in which Judges differed from		
					Wholly.	Partially.	Whose cases he referred under section 307, Criminal Procedure Code.	Whose cases he did not refer under section 263, Criminal Procedure Code.		One assessor.	Both assessors.	
1	2	3	4	5	6	7	8	9	10	11	12	13
Sessions Judge, Lucknow Division	7	46	84	45	...	...	1	...	58	1	25	
Ditto, Sitapur Division	3	...	52	...	...	...	..	...	44	2	6	
Ditto, Hardoi Division	3	...	61	...	...	...	...	...	39	5	17	
Ditto, Fyzabad Division	3	...	24	...	...	...	...	...	21	...	3	
Ditto, Gonda Division	3	...	89	...	...	...	...	...	74	10	5	
Ditto, Rae Bareli Division	3	...	91	...	...	...	...	...	68	5	18	
Total ...	...	46	401	45	...	...	1	...	304	23	74	

A.—*Showing detail for each class, the number of persons convicted in* 1893.

Districts	Offences against the State and relating to the Army and Navy, chapters VI and VII, Indian Penal Code	Offences against the public tranquillity, chapter VIII	Offences by, and relating to, public servants, chapters IX and X.	Offences against public justice and false evidence, chapter XI	Offences relating to coin, stamps, weights and measures, chapters XII and XIII	Offences affecting public health, etc. and religion, chapters XIV and XV.	Offences affecting the human body, chapter XVI.	Offences against property, chapter XVII.	Miscellaneous offences under the Penal Code, chapters XVIII to XXII.	Total offences under the Penal Code.	Offences under the Code of Criminal Procedure and under special laws.	Grand Total.
City Lucknow ...	.	32	1	5	1	157	181	886	12	775	2,012	2,787
District Lucknow ...	..	105	7	23	2	6	238	378	14	778	608	1,881
Bara Banki ...	.. ...	131	25	12	10	22	320	699	33	1,252	750	2,002
Sitapur ...	... ...	123	35	22	6	23	483	755	20	1,467	796	2,263
Kheri ...	... ...	82	11	31	5	10	240	615	24	1,018	305	1,323
Hardoi ...	.. ...	155	121	28	2	29	806	959	27	2,127	1,120	3,247
Unao ...	... ...	122	47	34	11	34	272	584	6	1,110	646	1,756
Fyzabad ...	... ...	184	68	22	6	24	455	893	17	1,679	2,309	3,988
Gonda ...	... .	73	80	32	0	4	330	1,030	17	1,572	1,400	2,972
Bahraich ...	.. ...	80	54	30	8	4	256	705	11	1,208	725	1,933
Rae Bareli ...	... ..	77	45	23	5	16	308	630	22	1,126	860	1,986
Sultánpur ...	... ...	132	66	38	4	44	392	738	26	1,440	583	2,023
Partábgarh ...	... ...	68	65	53	2	8	568	947	54	1,760	826	2,586
Total ...	...	1,359	625	353	68	381	4,859	9,379	283	17,310	12,940	30,247

B.—*Showing the number of cases brought to trial during the year, disposed of, and pending in the Courts of Sessions and the Courts of Magistrates, in* 1893.

Districts.	Courts of Sessions.			Courts of Magistrates'			Remarks.
	Brought to trial	Disposed of.	Pending.	Brought to trial.	Disposed of.	Pending.	
City Lucknow	50	45	5	3,253	3,233	20	
District Lucknow	35	34	1	1,687	1,675	12	
Bara Banki	58	55	3	2,750	2,721	29	
Sitapur	27	22	5	2,875	2,801	74	
Kheri	39	30	9	1,903	1,881	22	
Hardoi	41	34	7	3 862	3,812	50	
Unao	32	29	3	2,432	2,362	70	
Fyzabad	32	24	8	4,162	4,123	39	
Gonda ...	53	51	2	3,313	3,069	244	
Bahraich	42	38	4	2,655	2,592	63	
Rae Bareli	45	40	5	3,296	3,246	50	
Sultánpur	20	16	4	2,944	2,898	46	
Partábgarh	61	37	24	3,626	3,568	58	
Total ..	535	455	80	38,758	37,981	777	

C.—*Showing the number of persons concerned in cases decided under the miscellaneous provisions of the Criminal Procedure Code, during the year* 1893.

Districts.	Frivolous or vexatious complaints summarily dealt with under chapter XX, section 250.	Proceedings against witnesses under chapter VI and section 485 of chapter XXXV.	Forfeiture of bail or recognizance under chapter XLII.	Non-attendance of jurors or assessors, chapter XXIII, section 332.	Contempts of Court under chapter XXXV, section 480.	Proceedings under chapter VIII, to prevent breach of the peace.	Proceedings under chapter VIII, security for good behaviour.	Proceedings against public nuisance, chapter X.	Possession, chapter XII, and section 522 of chapter XLIII.	Maintenance, chapter XXXVI.	Total of persons.
City Lucknow	8	...	3	1	...	29	75	115	9	146	386
District Lucknow ...	23	...	1	...	...	123	26	2	8	42	223
Bara Banki	65	...	24	...	...	403	27	14	4	65	602
Sitapur	23	...	1	2	...	115	51	17	11	30	259
Kheri	17	...	5	...	...	81	42	5	8	47	205
Hardoi	120	...	6	...	...	258	61	107	66	38	667
Unao	26	...	18	...	...	81	23	30	...	22	199
Fyzabad	79	...	1	...	...	196	63	7	41	64	451
Gonda	14	...	8	1	...	317	26	...	53	54	473
Bahraich	19	8	17	...	...	72	32	26	3	45	217
Rae Bareli	46	...	15	4	...	166	26	24	...	76	357
Sultánpur	47	...	6	2	...	389	64	89	40	81	716
Partábgarh	126	...	9	2	...	280	22	3	64	58	574
Total ...	622	3	114	12	....	2,579	547	439	307	777	5,391

D.—*Showing the results of trials in the Courts of Session, in* 1893 *(as affecting persons).*

Districts.	Number of persons under trial during the year.	Acquitted or discharged.	Convicted.	Referred.	Died, escaped or transferred.	Remaining under trial.	Number per cent. of persons entered in columns 3 and 4, and of those whose cases were referred under section 374, Criminal Procedure Code, who were convicted.	Remarks.
1	2	3	4	5	6	7	8	9
City Lucknow	68	18	38	...	...	12	67	
District Lucknow	61	32	27	...	...	2	45	
Bara Banki	127	54	66	...	4	3	53	
Sitapur	58	28	30	...	...	10	41	
Kheri	40	11	28	...	...	10	71	
Hardoi	94	30	48	...	...	16	61	
Unao	48	18	25	...	...	5	65	
Fyzabad	77	29	28	...	...	20	49	
Gonda	127	35	60	...	1	31	62	
Bahraich	88	27	48	...	...	13	64	
Rae Bareli	82	20	44	...	...	9	60	
Sultánpur	26	3	17	...	...	6	85	
Partábgarh	102	35	30	...	...	31	50	
Total ...	1,002	344	485	...	5	168	58	

E.—*Showing the results of trials in the Courts of Magistrates, in* 1893 (*as affecting persons*)

Districts	Number of persons under trial during the year.	Acquitted or discharged.	Convicted	Committed or referred.	Died, escaped or transferred.	Remaining under trial.	Number per cent. of persons entered in columns 3 and 4 who were convicted.	Remarks
1	2	3	4	5	6	7	8	9
City Lucknow ...	4,080	1,814	2,786	50	3	27	61	
District Lucknow	2,935	1,489	1,381	41	1	23	48	
Bara Banki .	5 089	2,913	2,002	97	5	72	42	
Sitapur ..	5,899	3,375	2,255	56	27	186	40	
Kheri ...	3,549	2,142	1,305	56		46	38	
Hardoi ..	8,568	5,124	3,242	79	1	122	39	
Unao ..	4,714	2,784	1,767	39	8	126	39	
Fyzabad .	8,540	4,417	3,988	63	5	67	48	
Gonda ...	5,892	2,497	2,968	111	201	145	53	
Bahraich ...	5,313	3,159	1,932	78	53	91	38	
Rae Bareli ..	7,009	4,836	1,981	77	1	114	30	
Sultánpur	5,591	3,467	2 024	30	2	70	37	
Partábgarh	5,942	3,186	2,586	66	11	93	45	
Total ...	73,721	41,173.	30,206	838	318	1,191	43	

F.—*Showing the number of witnesses examined and the number of persons to whom payments were made on account of expenses in Courts of Session and Courts of Magistrates, in* 1893.

Districts	Number of witnesses examined				Amount paid as expenses		Remarks.
	Courts of Sessions		Magistrates' Courts.		Courts of Sessions	Magistrates' Courts.	
	Number of persons to whom payments were made.	Number of witnesses examined.	Number of persons to whom payments were made.	Number of witnesses examined	Amount paid.	Amount paid	
City Lucknow ...		...	1,059	4,940		334 10 0	
District Lucknow	1,466	1,684	1,643	5,468	1,102 18 0	539 14 0	
Bara Banki ...		.	4,011	8,970		2,483 7 0	
Sitapur ..	699	722	4,828	9,553	825 7 9	2,205 14 0	
Kheri ...		...	4,826	7,007	...	1,739 12 0	
Hardoi ...	582	985	4,222	12,026	818 14 0	1,499 8 0	
Unao ...	...	...	2,794	7,557	...	1,214 0 0	
Fyzabad ..	261	286	2,581	8,776	237 7 6	1,334 8 0	
Gonda ...	739	922	6,126	9,585	401 11 0	2,778 12 0	
Bahraich		.	3,676	6,999	..	1,738 14 0	
Rae Bareli ..	895	962	3,029	6,649	795 8 0	1,452 4 0	
Sultánpur ...	...		4,211	7,858		1,806 0 0	
Partábgarh ...	...	...	2,626	7,927	...	1,229 12 0	
Total ..	4,592	5,501	46,832	1,03,315	4,331 13 3	20,467 1 0	

G.—*Showing the detention of witnesses in Courts of Session and Courts of Magistrates, in* 1893

Districts	Number of witnesses discharged							
	Courts of Sessions.				Magistrates' Courts			
	On the 1st day	On the 2nd day	On the 3rd day	After the 3rd day	On the 1st day	On the 2nd day	On the 3rd day	After the 3rd day
City Lucknow ...	.	...		...	6,003	176	50	9
District Lucknow . ..	644	379	293	368	5,389	109	35	..
Bara Banki ..		..		...	8,722	248		...
Sitapur	371	280	113	39	9,104	305	17	7
Kheri ..	.		...		6,821	216	11	6
Hardoi ..	562	243	83	97	10,928	1,042	45	11
Unao ..	...		...		7,618	119	..	...
Fyzabad	212	47	13	14	8,433	278	55	10
Gonda	650	196	65	11	9,108	312	148	17
Bahraich	.	...	...	.	6,585	292	104	18
Rai Bareli . .	642	182	40	100	5,766	305	61	17
Sultánpur ..		.	..	..	7,717	128	13	
Partábgarh ..	.		...	.	7,735	182	10	.
Total	3,079	1,327	607	629	99,989	4 206	549	95

H—*Showing the total amount of fines imposed in the exercise of original jurisdiction by the Criminal Courts in* 1893, *the amount realised, and the amount paid by way of compensation.*

Districts	Courts of Sessions			Magistrates' Courts			Remarks.
	Total amount of fines	Amount realised	Amount paid by way of compensation	Total amount of fines	Amount realised	Amount paid by way of compensation	
	Rs	Rs	Rs	Rs	Rs	Rs	
City Lucknow .				5,096	4,240	748	
District Lucknow . ..	235	80	55	4,846	3,715	493	
Bara Banki ..			..	10,255	7,095	682	
Sitapur . .	...			8,538	7,449	1,117	
Kheri			.	6,094	5,080	1,472	
Hardoi ..	570	550	20	12,526	9,289	1,783	
Unao .			...	5,771	5,487	685	
Fyzabad ..	50		..	9,289	8,655	1,0 12	
Gonda ..	80	80	30	8,030	7,435	1,098	
Bahraich			...	8,294	7,322	1,097	
Rai Bareli ...	500	102	..	6,429	6,146	900	
Sultánpur		...	...	6,876	6,182	1 099	
Partabgarh		...	.	16,425	12,784	2 113	
Total .	1,435	812	105	1,08,869	90,885	11 387	

I. —*Showing the number of appeals (cases) preferred, disposed of, and pending in the Courts of Sessions Judges and of District Magistrates, in* 1893.

Districts.	Preferred.		Disposed of.		Pending.		Remarks.
	Courts of Sessions.	Courts of District Magistrates.	Courts of Sessions.	Courts of District Magistrates.	Courts of Sessions.	Courts of District Magistrates.	
City Lucknow	116	26	112	26	4	...	
District Lucknow	134	26	132	25	2	1	
Bara Banki	394	48	356	45	38	3	
Sitapur	419	121	382	121	37	...	
Kheri	335	84	290	84	45	...	
Hardoi	347	122	345	122	2	...	
Unao	190	38	187	36	3	2	
Fyzabad	291	107	276	107	15	...	
Gonda	520	71	492	69	28	2	
Bahraich	324	68	310	90	14	...	
Rae Bareli	108	88	96	88	12	...	
Sultánpur	282	79	267	79	15	...	
Partábgarh	287	67	281	63	6	...	
Total ...	3,747	941	3,526	933	221	8	

J.—*Showing the number of applications for revision (cases) preferred, disposed of, and pending in the Courts of Sessions Judges and of District Magistrates, in* 1893.

Districts.	Preferred.		Disposed of.		Pending.		Remarks.
	Courts of Sessions.	Courts of District Magistrates.	Courts of Sessions.	Courts of District Magistrates.	Courts of Sessions.	Courts of District Magistrates.	
City Lucknow	21	...	20	...	1	...	
District Lucknow	31	20	31	20	...	...	
Bara Banki	27	9	25	9	2	...	
Sitapur	20	11	23	11	3	...	
Kheri	12	35	9	35	3	...	
Hardoi	52	29	51	29	1	...	
Unao	17	43	17	41	...	2	
Fyzabad	134	52	127	52	7	...	
Gonda	63	18	61	18	2	...	
Bahraich	41	48	40	42	1	6	
Rae Bareli	26	30	25	29	1	...	
Sultánpur	8	64	7	64	1	...	
Partábgarh	43	25	39	25	4	...	
Total ...	501	303	475	385	26	8	

K.—*Showing the number of persons whose cases came before the Courts of Sessions Judges and of District Magistrates on appeal or application for revision, with the result as affecting the orders of the Lower Courts, in* 1893.

Districts.	Appeals				Application for revision.			Remarks.
	Number of persons who appealed.	Ratio per cent. of persons appealing to persons in respect of whom appealable orders were passed.	Numbers of appeals in whose cases (1) appeals or applications were rejected & (2) sentences or orders were confirmed.	Ratio per cent. of affirmed to decided.	Number of applicants (accused persons) for revision.	Number of accused persons in whose cases applications for revision were rejected or orders were confirmed.	Ratio per cent. of rejected to disposed of.	
City Lucknow ...	175	8	127	39	12	22	95	
District Lucknow ...	220	32	160	46	37	85	92	
Bara Banki ...	524	30	383	43	27	46	79	
Sitapur ...	657	33	481	55	32	51	87	
Kheri ...	464	46	352	68	15	32	92	
Hardoi ...	631	24	427	45	71	153	71	
Unao ...	288	23	170	31	9	64	88	
Fyzabad ...	538	16	373	59	157	396	81	
Gonda ...	690	28	506	65	42	138	85	
Bahraich ...	477	33	321	58	71	180	32	
Rae Bareli ...	292	15	186	50	37	99	76	
Sultánpur ...	432	30	288	41	38	188	81	
Partábgarh ...	430	32	267	34	54	101	98	
Total ...	5,818	25	4,041	50	602	1,600	82	

L.—*Showing the number of appeals and applications for revision (cases) preferred, disposed of and pending in the High Court of Oudh, in* 1893.

Districts.	Appeals.			Applications for revision.			Remarks.
	Preferred.	Disposed of.	Pending.	Preferred.	Disposed of.	Pending.	
Lucknow	49	48	1	24	24	1	
Bara Banki	23	22	1	21	21	1	
Sitapur	110	111	1	9	10	...	
Kheri	54	52	4	4	8	...	
Hardoi	33	29	5	13	13	...	
Unao	24	26	...	12	11	1	
Fyzabad	15	17	1	9	9	...	
Gonda	41	42	2	9	9	...	
Bahraich	26	27	...	10	8	2	
Rae Bareli	24	20	4	7	6	1	
Sultánpur ...	14	14	...	...	...	...	
Partábgarh	34	27	8	8	9	...	
Total ...	447	435	27	126	128	6	

M.—*Showing the result as affecting persons, of appeal and revision in the High Court of Oudh, in* 1893.

Sessions Divisions.	Appeals.						Applications for revision.					
	Rejected.	Sentence affirmed.	Sentence reversed.	Sentence varied.	Further enquiry ordered.	Otherwise disposed of.	Rejected.	Order affirmed.	Orders reversed.	Order varied.	Further enquiry ordered.	Otherwise disposed of.
Lucknow ...	23	16	5	4	...	...	9	35	5	2	...	1
Bara Banki ..	7	22	6	...	...	...	8	27	3	4	...	2
Sitapur ...	86	22	3	...	...	...	11	7	2	2	...	...
Kheri ...	29	18	3	3	...	...	1	1	1	5	...	1
Hardoi ...	2	28	...	1	...	...	25	12	...	1	...	...
Unao ...	1	24	...	1	...	...	23	...	1	...	...	1
Fyzabad ...	...	17	1	...	...	...	7	24	...	...	...	...
Gonda ...	8	33	3	1	...	...	5	7	...	...	...	...
Bahraich ...	3	18	7	2	...	...	10	2	1	...	...	...
Rae Bareli ..	...	22	1	1	...	...	1	8	4	2	...	...
Sultánpur ...	...	10	...	4	...	...	...	...	...	...	...	...
Partabgarh ...	1	17	5	5	...	...	9	4	1	...	...	...
Total ...	160	247	34	22	...	...	109	127	18	16	...	5

N.—*Criminal business coming on before the High Court of Oudh, in* 1893.

Description of cases.	Remaining from 1892.	Filed in 1893.	Disposed of in 1893.	Remaining at the close of 1893.	Remarks.
ORIGINAL BUSINESS.					
Nil					
APPEALS.					
By persons concerned. From the orders of Deputy Commissioners acting under section 30 of the Code of Criminal Procedure.	...	23	23	...	
By persons concerned. Sessions Judges	14	417	405	26	
By the Local Government. From the judgment of acquittal of all courts ...	1	7	7	1	
Total ...	15	447	435	27	
REFERENCES.					
Cases in which sentence of death passed by Sessions Judges was referred for confirmation under section 374 of the Code of Criminal Procedure	6	33	37	5	
Cases in which proceedings held against persons who could not understand them were referred for orders under section 341 of the Code of Criminal Procedure	...	2	2	...	
Total ...	6	33	39	5	
REVISION.					
Cases referred for revision by District Magistrates and Sessions Judges under section 438 of the Code of Criminal Procedure.	6	90	91	5	
Cases dealt with by the Court					
(1) Cases decided by Magistrates	3	46	49	...	
(2) Ditto by Sessions Judges	7	117	118	6	
Total ...	16	253	258	4	
Full Bench Reference ...	...	...	...	...	
GRAND TOTAL ...	37	738	732	43	

ORDERS OF GOVERNMENT.

No. $\frac{4001}{VI-3050}$ OF 1894.

FROM

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH,

To

THE JUDICIAL COMMISSIONER OF OUDH.

DATED ALLAHABAD, THE 21ST NOVEMBER 1894.

SIR,

JUDICIAL DEPT. (CRIMINAL).

I AM directed to acknowledge the receipt on the 6th November 1894 of your letter No. 1591, dated 29th August 1894, being the Report on the Administration of Criminal Justice in Oudh for 1893. The report was due on the 1st July. Two months' delay appears to have occurred in passing the present report through the Government Press. I am to request that in future the date prescribed for its submission may be more closely adhered to.

2. Your careful review of the statistics for the year and your full comments on the procedure and working of the Courts make it unnecessary for the Government to go over the ground again with minuteness. The more so, as the orders on the returns for 1892 examined at length the chief defects in the administration of criminal justice in Oudh and directed the issue of instructions where instructions were considered necessary. Among the defects to which special attention was drawn last year were these:—(1) the injudicious issue of processes in cases of frivolous and false complaints, as shown by the very large number of persons discharged and acquitted; (2) the timid use made of the powers conferred on Courts by section 203 of the Criminal Procedure Code to dismiss such complaints, and by section 560 to award compensation; (3) the inability of the Courts to weigh evidence properly, and the not infrequent insufficiency of the evidence on which prosecutions are instituted; (4) the reluctance of the subordinate magistracy to refer cases to superior Courts for enhanced punishment, especially cases in which whipping would be a suitable punishment; (5) the ineffectual manner in which serious crime is frequently dealt with; (6) the large number of sentences reversed in appeal; (7) and the large expenditure on account of payment of witnesses as compared with the sum so expended in the North-Western Provinces. Several circular orders have been issued by your predecessor on these matters, and the present report leads the Lieutenant-Governor to think that the subject has received a good deal of attention from District Magistrates and Judges, and that more care has been given by them to supervising and instructing the subordinate Magistrates, though there is evidently still room for improvement.

3. There was an increase of work before the Courts for disposal during the year, the number of cases coming judicially to their notice

through the action of the police or on complaint of private persons being 52,573 against 49,108 in 1892. Of these 11,804 complaint cases were dismissed under section 203 and 2,356 struck off, leaving 38,854 which actually came on for trial. You point out that the percentage of cases dismissed under section 203 is higher than in the North-Western Provinces, and there is evidence that in many districts this salutary provision of the Code against the needless harassment of innocent parties is not disregarded. Judicial process to compel appearance issued against 73,973 accused persons against 68,594 in 1892, and 30,731 were convicted against 29,588 in 1892. The percentage of acquittals and discharges was 43 against 45 in 1892, the percentage in the North-Western Provinces ranging between 49 and 50 in the same years. Your careful examination of this apparent inferiority of judicial work in Oudh leads you to the conclusion that the special character of crime in Oudh has much to do with it. Offences in Oudh are on the whole of a pettier kind than in the North-Western Provinces, the permissible opportunities for compromise or withdrawal are consequently more frequent, and the percentage of convictions is therefore lower. Your analysis of the total number of acquittals and discharges in paragraph 42 of your report, and the facts adduced in paragraph 43 give considerable support to this view. You further point out that section 560 of the Criminal Procedure Code, which enables Magistrates to award compensation in cases of frivolous or vexatious complaints, is more freely worked in Oudh than in the North-Western Provinces. The Lieutenant-Governor is glad to know that the relatively unfavourable returns of the Oudh Courts are capable of a reasonable explanation. He observes however that the results of prosecutions in cases of serious crime, such as robbery and dakáiti, to which the explanation does not apply, are admitted by you to have been poor, and that the number of decisions reversed on appeal by Deputy Commissioners indicate a large amount of indifferent work among the subordinate Magistrates. Your predecessor's notes (paragraphs 122-123) on the inspection visits he made to Fyzabad and Hardoi show that there is much to be desired in the matter of increased supervision over these Courts. The Lieutenant-Governor regrets that Dr. Howell did not see his way to making more frequent and systematic inspections of the District Courts. The heavy work of the Judicial Commissioner's Court is an obstacle to this and other salutary measures.

4. The increase in the number of cases tried by Deputy Commissioners in exercise of their ordinary and extraordinary jurisdiction is satisfactory. Several Deputy Commissioners are in charge of settlement operations and are unable to spare much time for criminal work. The amount of work done by Honorary Magistrates sitting in benches or singly was slightly less than in 1892, but was still a very material relief to the district staff. The services of the benches of Lucknow and Fyzabad merit the thanks of the Government.

5. With regard to paragraphs 118 and 119 of the report which account for the higher expenditure on payment of witnesses than prevails in the North-Western Provinces, I am to ask whether you

consider that any alterations in the Oudh rules to bring them into greater conformity to those in force in the North-Western Provinces are expedient.

6. The average duration of sessions trials before Sessions Judges—74 days—appears to the Lieutenant-Governor to be excessive and calls for close supervision on your part. Instances of unreasonable and unnecessary delay should be reported to Government. The explanation given by the Sessions Judge of Rae Bareli (paragraph 126) as to the trial in which an accused remained in custody for 205 days is insufficient as it stands. I am to ask your opinion as to whether the delay was really unavoidable. The duration of appeals and revisions in Sessions Courts in Oudh also compares unfavourably with the average duration in the North-Western Provinces. In your own Court there was a considerable increase in appeals and revisions, but the work was dealt with with commendable despatch. In future reports the average duration of cases in which capital sentences are submitted for confirmation should be given.

I have the honor to be,

SIR,

Your most obedient servant,

T. W. HOLDERNESS,

Secy. to Govt., N.-W. P. and Oudh.